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Per. 233662 a. #



SENATE JOURNAL:

1842.



JOURNAL

OF THE

SENATE

OF THE

STATE OF VERMONT,

OCTOBER SESSION,

1842.

PUBLISHED BY AUTHORITY.

Montpelier:
E. P. WALTON AND SONS.
1845.



JOURNAL.

AGREEABLY to the provisions of the Constitution, the Senate of Vermont convened, at the State House, in Montpelier, on the second Thursday of October, being the thirteenth day of the month, in the year of our Lord, one thousand eight hundred and forty-two. The Senate was called to order by the President, when the following Senators answered to their names, and were sworn:

<i>Bennington County,</i>	.	.	HENRY SHELDON, JOSIAH WRIGHT.
<i>Windham County,</i>	.	.	JOHN BARRETT, SANFORD PLUMB, CALVIN TOWNSLEY.
<i>Rutland County,</i>	.	.	ALANSON ALLEN, ELISHA ALLEN, EBENEZER N. BRIGGS.
<i>Windsor County,</i>	.	.	JAMPDEN CUTTS, SALMON F. DUTTON, ABNER FIELD, JOHN PORTER.
<i>Addison County,</i>	.	.	PETER STARR, HARVEY MUNSILL.
<i>Orange County,</i>	.	.	CALVIN BLODGETT, ROYAL HATCH, TAPPAN STEVENS.
<i>Chittenden County,</i>	.	.	DAVID FRENCH, DAVID A. SMALLEY.
<i>Washington County,</i>	.	.	PAUL DILLINGHAM, Jr. WGPSTER SPRAGUE.
<i>Caledonia Connty,</i>	.	.	DANIEL W. AIKEN, THOS. BARTLETT, Jr.
<i>Franklin County,</i>	.	.	WILLIAM GREEN, HOMER E. HUBBELL.
<i>Orleans County,</i>	.	.	DAVID M. CAMP,
<i>Lamoille County,</i>	.	.	ORION W. BUTLER.
<i>Essex County,</i>	.	.	WARNER BINGHAM.
<i>Grand Isle County,</i>	.	.	WILLIAM L. SOWLES.

On motion of Mr. Starr,

Ordered, That the Rules of the Senate of the last session be adopted as the rules of the present session, until it shall be otherwise ordered.

On the nomination of the President, the following Senators were appointed the Committee, on the part of the Senate, to canvass the votes for Governor, Lieutenant Governor and Treasurer of the State, for the ensuing year, namely: Messrs. Sheldon, Field, Townsley, Briggs, French, Hatch, Butler, Camp, Sowles, Bingham, Bartlett, Hubbell, Starr, Dillingham.

Mr. Bartlett introduced the following resolution:

Resolved, by the Senate and House of Representatives, That both Houses meet, in Joint Assembly, this afternoon at three o'clock, to hear the report of the Canvassing Committee.

Which was read and passed.

Mr. Sheldon introduced the following resolution:

Resolved, That the Secretary be directed to furnish to the President of the Senate, the Secretary and the Assistant Secretary, and each Senator, during the session, with one daily, and one weekly newspaper, printed in this village, such as each may designate, at the expense of the State.

Which was read and passed.

On motion of Mr. Hubbell, it was

Ordered, That a message be sent to the House of Representatives, informing them that a quorum of the Senate have assembled and organized, and are ready to proceed to business.

Mr. Briggs introduced the following resolution:

Resolved, That the President appoint a committee of two Senators, to wait on his Excellency the Governor, and inform him that the Senate have organized, and are ready to receive any communication he may be pleased to make.

Which was read and passed; and the President appointed Mr. Briggs and Mr. Dillingham, as such committee.

The President announced to the Senate, his approval of the nomination by the Sergeant-at-Arms, of Zebina C. Camp for Door Keeper, and Samuel L. Billings for Assistant Door-Keeper of the Senate, and they were, severally, duly sworn.

Mr. Barrett introduced the following resolution:

Resolved, by the Senate and House of Representatives, That the Secretary of the Senate and the Clerk of the House, procure to be published in pamphlet form, for the use of the members, copies of the Legislative Directory, with the Joint Rules of both Houses.

Which was read, and on motion of Mr. Camp, the blank was filled by inserting four hundred, and the resolution was amended by striking out the words "with the Joint Rules of both Houses," and inserting the words in lieu thereof, "embracing the usual matter, with the exception of the Joint Rules, and the Rules of the two Houses."

And the resolution, as amended, was passed.

Mr. Briggs, from the special committee, appointed to wait on his Excellency the Governor, reported that the committee had performed the service assigned to them.

On motion of Mr. Butler,

Ordered, That when the Senate adjourn, it adjourn to meet at 3 o'clock this afternoon.

On motion of Mr. Butler,

Ordered, That the Senate do now proceed to ballot for a Secretary of the Senate, and an Assistant Secretary, for the year ensuing.

Whereupon,

The ballots having been taken and examined,

DE WITT C. CLARKE,

was found to be elected Secretary; and

EDWARD A. STANSBURY,

Assistant Secretary; and they were thereupon duly sworn, and entered upon the duties of their office.

On motion of Mr. Camp,

Ordered, That the rules be so far suspended as to permit the appointment of the Committee on Rules by the Chair; and that the Chair now appoint that committee.

Whereupon the Chairman appointed Mr. Camp, Mr. Briggs, and Mr. Bartlett, as such committee.

(S. 1.) Mr. Camp introduced a bill entitled "an act dividing the State into Districts, and prescribing the mode of electing members of Congress."

Which was read the first, and second times, and

Referred to the Committee on the Judiciary.

The Senate adjourned.

AFTERNOON.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT.—The House of Representatives have organized by the election of the Honorable ANDREW TRACY, Speaker, for the year ensuing, and of a Clerk, pro tem. They have, on their part, appointed a committee to canvass the votes for Governor, Lieutenant Governor and Treasurer, for the year ensuing, and they concur with the Senate in passing a resolution, providing for a Joint Assembly to hear the report of the canvassing committee.

The Senate having joined the House of Representatives in joint Assembly, pursuant to the concurrent resolution of the two Houses, and received the report of the committee appointed to canvass the votes for Governor, Lieutenant Governor and Treasurer of the State, and returned to the Senate Chamber, the President signified his acceptance of the office of Lieutenant Governor, and the oath of office was administered to him by the Secretary.

On motion of Mr. Briggs,

The Senate adjourned.

FRIDAY, Oct. 14, 1842.

The journal was read.

On motion of Mr. Munsill,

Ordered, That the Senate proceed to elect a Chaplain for the year ensuing.

The ballots having been taken and counted, Rev. GEO. B. MANSER was found to be elected.

On motion of Mr. Sheldon,

Ordered, That the Senate proceed to the election of the Standing Committees; and the ballots having been taken and counted, the following gentlemen were respectively elected:

On Finance.—Mr. Camp, Chairman, Mr. Bartlett and Mr. Munsill.

On Judiciary.—Mr. Briggs, Chairman, Mr. Dillingham and Mr. French.

On Claims.—Mr. Cutts, Chairman, Mr. Hubbell and Mr. Plumb.

On Education.—Mr. Eaton, Chairman, Mr. Sheldon and Mr. Dutton.

On Agriculture.—Mr. Sowles, Chairman, Mr. Blodgett and Mr. F. Allen.

On Manufactures.—Mr. Porter, Chairman, Mr. Allen and Mr. Plumb.

On Elections.—Mr. Townsley, Chairman, Mr. Butler and Mr. French.

On Military Affairs.—Mr. Alanson Allen, Chairman, Mr. Stevens and Mr. Townsley.

On Roads and Canals.—Mr. Field, Chairman, Mr. Smalley and Mr. Porter.

On Banks.—Mr. Starr, Chairman, Mr. Hatch and Mr. Sowles.

On Land Taxes.—Mr. Barrett, Chairman, Mr. Sprague and Mr. Eaton.

The following communication was received from the Speaker of the House of Representatives:

HOUSE OF REPRESENTATIVES, }
Oct. 14, 1842. }

SIR:—I have the honor to inform the Senate that the House of Representatives have elected Ferrand P. Merrill, their Clerk, and Joseph Poland, Assistant Clerk, for the year ensuing.

I am, very respectfully,

Your obedient servant,

ANDREW TRACY,

Speaker of the House of Representatives.

To his HONOR, WAITSTILL E. RANNEY,

President of the Senate.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT,—The House of Representatives have passed a resolution providing for the holding of County Conventions, and a Joint Assembly to confirm county nominations; in which they request the concurrence of the Senate.

The said resolution is as follows:

Resolved, by the Senate and House of Representatives, That the members of both Houses meet in County Conventions on Monday next, at three

On motion of Mr. Butler,

Ordered, That when the Senate adjourn, it adjourn to meet at 3 o'clock this afternoon.

On motion of Mr. Butler,

Ordered, That the Senate do now proceed to ballot for a Secretary of the Senate, and an Assistant Secretary, for the year ensuing.

Whereupon,

The ballots having been taken and examined,

DE WITT C. CLARKE,

was found to be elected Secretary, and

EDWARD A. STANSBURY,

Assistant Secretary; and they were thereupon duly sworn, and entered upon the duties of their office.

On motion of Mr. Camp,

Ordered, That the rules be so far suspended as to permit the appointment of the Committee on Rules by the Chair; and that the Chair now appoint that committee.

Whereupon the Chairman appointed Mr. Camp, Mr. Briggs, and Mr. Bartlett, as such committee.

(S. 1.) Mr. Camp introduced a bill entitled "an act dividing the State into Districts, and prescribing the mode of electing members of Congress."

Which was read the first, and second times, and

Referred to the Committee on the Judiciary.

The Senate adjourned.

AFTERNOON.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT.—The House of Representatives have organized by the election of the Honorable ANDREW TRACY, Speaker, for the year ensuing, and of a Clerk, pro tem. They have, on their part, appointed a committee to canvass the votes for Governor, Lieutenant Governor and Treasurer, for the year ensuing, and they concur with the Senate in passing a resolution, providing for a Joint Assembly to hear the report of the canvassing committee.

The Senate having joined the House of Representatives in joint Assembly, pursuant to the concurrent resolution of the two Houses, and received the report of the committee appointed to canvass the votes for Governor, Lieutenant Governor and Treasurer of the State, and returned to the Senate Chamber, the President signified his acceptance of the office of Lieutenant Governor, and the oath of office was administered to him by the Secretary.

On motion of Mr. Briggs,

The Senate adjourned.

FRIDAY, Oct. 14, 1842.

The journal was read.

On motion of Mr. Munsill,

Ordered, That the Senate proceed to elect a Chaplain for the year ensuing.

The ballots having been taken and counted, Rev. GEO. B. MANSER was found to be elected.

On motion of Mr. Sheldon,

Ordered, That the Senate proceed to the election of the Standing Committees; and the ballots having been taken and counted, the following gentlemen were respectively elected:

On Finance.—Mr. Camp, Chairman, Mr. Bartlett and Mr. Munsill.

On Judiciary.—Mr. Briggs, Chairman, Mr. Dillingham and Mr. French.

On Claims.—Mr. Cutts, Chairman, Mr. Hubbell and Mr. Plumb.

On Education.—Mr. Eaton, Chairman, Mr. Sheldon and Mr. Dutton.

On Agriculture.—Mr. Sowles, Chairman, Mr. Blodgett and Mr. F. Allen.

On Manufactures.—Mr. Porter, Chairman, Mr. Allen and Mr. Plumb.

On Elections.—Mr. Townsley, Chairman, Mr. Butler and Mr. French.

On Military Affairs.—Mr. Alanson Allen, Chairman, Mr. Stevens and Mr. Townsley.

On Roads and Canals.—Mr. Field, Chairman, Mr. Smalley and Mr. Porter.

On Banks.—Mr. Starr, Chairman, Mr. Hatch and Mr. Sowles.

On Land Taxes.—Mr. Barrett, Chairman, Mr. Sprague and Mr. Eaton.

The following communication was received from the Speaker of the House of Representatives:

HOUSE OF REPRESENTATIVES, }
Oct. 14, 1842. }

SIR:—I have the honor to inform the Senate that the House of Representatives have elected Ferrand F. Merrill, their Clerk, and Joseph Poland, Assistant Clerk, for the year ensuing.

I am, very respectfully,

Your obedient servant,

ANDREW TRACY,

Speaker of the House of Representatives.

To his HONOR, WAITSTILL E. RANNEY,

President of the Senate.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT,—The House of Representatives have passed a resolution providing for the holding of County Conventions, and a Joint Assembly to confirm county nominations; in which they request the concurrence of the Senate.

The said resolution is as follows:

Resolved, by the Senate and House of Representatives, That the members of both Houses meet in County Conventions on Monday next, at three

o'clock, P. M. to nominate county officers, and that both Houses meet in Joint Assembly on Tuesday next, at ten o'clock, A. M. to make the County appointments.

And the same was read and passed in concurrence.

Mr. Aiken introduced the following resolution:

Resolved, That the Committee on Elections be instructed to inquire and report as soon as may be, whether any persons holding seats in this Senate are also holding any offices of profit or trust under the authority of Congress.

Which resolution was read and passed.

Mr. Camp, from the Committee on Rules, reported the entire rules of the last session without amendment; which report was accepted, and the said rules were adopted, and are as follows:

RULES.

1. The credentials of Senators shall be presented to the Secretary or Assistant Secretary, previous to nine o'clock in the morning of the second Thursday of October, at which time the Senate shall be called to order. The names of the Senators shall be called over, and when a quorum shall have taken their seats, they shall, having first taken the necessary oaths, on nomination of the President, appoint a canvassing committee, consisting of one Senator from each county, to join such committee as the House of Representatives may appoint, whose duty shall be to receive, sort, and count, the votes for Governor, Lieutenant Governor, and Treasurer, and make report thereof to the joint assembly of both houses.

2. The Senate shall meet every day (Sundays excepted) at nine o'clock in the morning, and two o'clock in the afternoon, unless otherwise specially ordered.

3. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, and all errors therein corrected.

4. In case no quorum shall assemble, within fifteen minutes after the time to which the Senate was adjourned, those present shall have power to send the Sergeant-at-Arms, or other officer, after the absentees, and compel their attendance.

5. Whenever the Senate shall assemble, according to adjournment, or at the commencement of a session, and the President shall be absent, it shall be the duty of the Secretary, if present, if not, of a Senator, to call to order; and the Senators present, if a quorum, shall, by ballot, elect a President pro tempore.

6. No Senator shall be absent without leave, unless he is sick, or otherwise necessarily detained.

7. No Senator shall audibly speak to another, or otherwise interrupt the business of the Senate, while the journals or other public papers are being read, or while a Senator is orderly speaking in debate.

8. Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished, shall sit down.

9. No member shall speak more than twice on the same question, without leave of the Senate; and Senators who have once spoken, shall not again be entitled to the floor, (except for the purpose of explanation,) to the exclusion of another who has not spoken.

10. In all cases, the Senator first arising and addressing the President

(subject to the restriction of rule 9,) shall be entitled to the floor, and when two or more arise at the same time, the President shall name the one who is to speak.

11. When a Senator shall be called to order, he shall sit down, and every question of order shall be decided by the President without debate, subject to an appeal to the Senate.

12. If a Senator be called to order for the words spoken, the exceptionable words shall be immediately taken down in writing by the Senator calling to order, that the President may be better enabled to judge of the matter.

13. The first hour of each morning's sitting may be devoted to the reception and disposal of petitions, memorials, remonstrances, motions, resolutions, and the introduction of bills; after which, the orders of the day, or other proper business, shall be announced, always commencing with the unfinished business of the last sitting. The first hour of the afternoon's sitting may be occupied in the receiving and disposing of reports of committees, and in completing the business of the morning hour: at the expiration of which, the Senate will again take up the orders of the day.

14. Reports of committees may be signed by any member in behalf of the committee, and shall be by him presented to the Senate, when a call for reports is made. The signer of each report shall be held responsible for the accuracy of its statements and the propriety of its language, and when the same shall be under consideration, he shall be further liable to give additional statements of facts, or other explanations, in answer to the call of any Senator.

15. The proceedings of the Senate, except when acting as in Committee of the Whole, embracing the titles of bills, and such parts thereof as may be affected by proposed amendments, and also the names of Senators, and the votes which they give on every question decided by yeas and nays, shall be by the Secretary accurately and concisely inserted in the journals.

16. The Senate, shall, annually, within the first four days of actual sitting, elect by ballot, (and a majority of all present shall be necessary to a choice,) a Secretary, and an Assistant Secretary, who shall be *ex officio* Engrossing Clerk, who shall be severally sworn to the faithful discharge of their duties, and shall hold said offices until superseded by a new election. The Senate shall also, within the same time, elect the following Standing Committees, to consist of three members each, to wit: On Finance,—on the Judiciary,—on Claims,—on Education,—on Agriculture,—on Manufactures,—on Elections,—on Rules,—on Military Affairs,—on Roads and Canals,—on Banks, and on Land Taxes.

17. In the appointment of Standing committees, (except the one mentioned in rule 1,) the Senate will proceed by ballot, severally to appoint the chairman of each, and then, by one ballot, the other members necessary to complete the same. In the election of a chairman, a majority of the votes given shall be necessary, but for the others a plurality shall be sufficient. All select committees shall be appointed by the President, unless otherwise ordered by the Senate.

18. All bills, after the second reading, and all petitions, memorials, remonstrances, resolutions, and other papers calling for legislative action, (except such as have been reported by a committee,) no objection being made, shall be referred by the President to appropriate committees.

19. Before any resolution, any petition, or other paper addressed to the Senate, shall be received and read, whether the same shall be introduced by the President or a Senator, the title shall be fairly endorsed thereon; and a brief statement of its object or contents shall be made by the introducer.

20. Every motion shall be reduced to writing by the mover, if required thereto by the President or a Senator, and a motion to lay another motion, the latter not being in writing, on the table, or otherwise to dispose of it, shall not be in order.

21. Every bill shall receive three readings before it is passed; the President shall give notice at each reading whether it be the first, second, or third; the last of which readings of public bills shall be at least twenty-four hours after the first reading, unless the Senate unanimously direct otherwise. *Provided*, That private bills shall be read the second time by their title. Resolutions requiring the approbation and signature of the Governor, shall be treated in all respects as bills.

22. On the demand of a Senator, public bills, after a second reading, shall be considered by the Senate as in committee of the whole.

23. The final question, upon the second reading of every bill which originated in the Senate, shall be, "Shall this bill be engrossed and read the third time?" No amendment shall be received at the third reading but it may be committed for amendment at any time before its final passage.

24. Motions on bills and resolutions shall be sustained in the following order: 1. To postpone indefinitely. 2. To lay upon the table. 3. To commit. 4. To amend.

25. A call for the previous question shall not at any time be in order.

A motion to adjourn shall always be in order, and shall be decided without debate.

26. If the question in debate contain several points, the same shall be divided on the demand of a Senator. A motion to strike out and insert shall not be divided, but the rejection of a motion to strike out and insert one proposition shall not preclude a motion to strike out and insert a different one, or a motion simply to strike out; nor shall the rejection of a motion simply to strike out, prevent a subsequent one to strike out and insert.

27. In filling blanks the largest sum and the longest time shall be first in order.

28. When the reading of a paper is called for, and the same is objected to by a Senator, the question shall be determined by a vote of the Senate.

29. The yeas and nays shall be taken, on the call of a Senator, and every Senator present shall vote, unless excused by the Senate; but no Senator shall be compelled to vote, who was absent when the question was stated by the President, nor shall any one be permitted to vote, who was absent when his name was called, nor after the decision of the question has been announced from the chair.

30. No Senator in the minority, nor one who did not vote on the decision of a question, shall have a right to move a reconsideration thereof; nor shall any motion for reconsideration be in order, unless made before the close of the next day of actual sitting of the Senate after that in which the vote was taken, and before the bill, resolution, report, amendment, address, or motion, upon which the vote was taken, shall, in the regular progress of business, have gone out of the possession of the Senate.

31. On all questions, in the decision of which a simple majority is required, when the Senate is equally divided, the Secretary shall take the casting vote of the President. In all such cases, a motion for reconsideration, if made in time, shall be in order from any Senator who voted on the question.

32. The President shall have the right to call upon any Senator to discharge the duties of the chair whenever he shall find it necessary, temporarily, to retire; but such substitution shall not extend beyond more than one adjournment.

33. The Senate, having taken a final vote on any question, the same shall not again be in order during the same session, in any form whatever, except by way of reconsideration; and when a motion for reconsideration has been decided, that decision shall not be reconsidered.

34. No proposition to amend the rules of the Senate, or the joint rules of both houses, shall be acted on, until the same shall have been before the Senate at least twenty-four hours.

35. Messages shall be sent to the House of Representatives by the Secretary or Assistant Secretary.

36. Reporters may be placed on the floor of the Senate, under the direction of the Secretary, with the approbation of the President.

37. No persons shall be admitted within the lobby of the Senate chamber, except the Governor, Treasurer of the State, Auditor of Accounts, members of the other House, Judges of the Supreme Court, Senator and Representatives in Congress, Ex-Governors and Lieutenant Governors, Ex-Judges of the Supreme Court, Ex-Senators and Representatives in Congress, Ex-Senators of the State Senate, District Judge and Attorney of the United States, members of other State Legislatures, and such gentlemen and ladies as the President or a Senator may introduce.

38. When in session, the Senators shall sit with their heads uncovered.

39. Upon any disorderly conduct in the gallery the President may order the same to be cleared.

40. Whenever a bill or resolution is laid on the table, by order of the Senate, and shall have remained on the table twenty-four hours, it shall be subject to be taken up by the chair, and presented for the consideration of the Senate, without a call or order on the subject.

41. There shall be one door-keeper and one assistant door-keeper of the Senate; and the President may employ a boy to attend in the Senate chamber.

Mr. Sprague introduced the following resolution :

Resolved, That the Committee on the Judiciary be instructed to report a bill to repeal the amendment to the 63d section of 28th chapter of the Revised Statutes, passed at its October session, 1841.

And on the question of its passage, called for the yeas and nays.

Mr. Camp moved to amend said resolution so that the same should read as follows :

“Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing or amending the “act in amendment of section 63 of chapter 28 of the Revised Statutes,” approved Nov. 9, 1841.”

Which amendment was adopted.

And the yeas and nays being taken upon the passage of the resolution as amended, are as follows :

The Senators who voted in the affirmative are,

Messrs. Aikin, A. Allen, E. Allen, Barrett, Bartlett, Bingham, Blodgett, Briggs, Butler, Camp, Cutts, Dillingham, Dutton, Field, Green, Hatch, Hubbell, Munsill, Plumb, Porter, Sheldon, Smalley, Sowles, Sprague, Starr, Stevens, Townsley, and Wright—28.

And no Senator voting in the negative, the resolution as amended, passed.

The following communication was received from His Excellency the Governor :

To the Senate :

I have the honor to inform you that I propose to take the oaths of office which the Constitution prescribes for the Governor of this State, in the Executive Chamber, at 2 o'clock, and to make my annual communication to the General Assembly at 3 o'clock this afternoon.

CHARLES PAINE.

EXECUTIVE CHAMBER, }
Oct. 14, 1842. }

The Senate adjourned.

AFTERNOON.

Mr. Sprague introduced the following resolution :

Resolved, That the Committee on the Judiciary be requested to inquire into the expediency of amending existing laws in regard to the limits of jail yards, so as to extend them to those of the counties.

Which resolution was passed.

Mr. Sheldon introduced the following resolution :

Resolved, That the Committee on Agriculture be instructed to inquire into the expediency of passing a law providing for a geological survey of the State, and report by bill or otherwise.

Which resolution, on motion of Mr. Sprague, was laid on the table.

The following communication was received from His Excellency the Governor :

To the Senate :

I have the honor to inform you, that I have appointed Henry Hale Secretary of Civil and Military Affairs for the year ensuing.

CHARLES PAINE.

EXECUTIVE CHAMBER, }
Oct. 14, 1842. }

Mr. Camp introduced the following resolution :

Resolved, by the Senate and House of Representatives, That a joint Committee, consisting of three members from each house, be appointed by their respective presiding officers to report Joint Rules.

Which resolution was read and adopted.

(S. 2.) Mr. Briggs introduced a bill entitled "an act to repeal the 22d section, chapter 58, of the Revised Statutes."

Which was read twice and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the resolution relating to a Legislative Directory, with proposals of amendment, in which they request the concurrence of the Senate.

A message from the Governor, by Mr. Hale, Secretary of Civil and Military Affairs :

MR. PRESIDENT: I am directed by His Excellency the Governor, to communicate to the Senate his annual Message to the General Assembly.

The said annual Message was read and is as follows :

M E S S A G E .

Fellow-Citizens of the Senate and House of Representatives :

It affords me much pleasure again to meet you in these halls of legislation, to deliberate upon the welfare of the people of this state, and to make such provisions for their improvement as your wisdom may devise. Since we were last assembled here, our whole country has been in the enjoyment of all the blessings which a bountiful Providence could bestow, and the year has been distinguished by several events which can hardly fail to add to the general prosperity and happiness.

In a spirit of mutual concession and forbearance, the Governments of the United States and Great Britain have, by treaty, succeeded in removing those causes of discord and animosity between the two countries, which had become so alarming, and in laying the foundation for a wise and, I trust, a lasting peace. The negotiation of this treaty, conducted, as it has been, with a view to the good of man rather than for the gratification of his passions, is an honor to the age and to the nations engaged in it.

The great interests of our beloved country have also been rescued from the destruction which seemed impending over them, by the wise and unanimous efforts of Congress to secure a Tariff of duties adequate to protect them. When we look back upon the strife of elements, from which have proceeded the blessings of peace and protection to domestic industry, the two greatest interests, perhaps, which it is the duty of the national government to guard, we find abundant cause for gratitude towards the Disposer of the hearts of men.

We have now every reason to hope that the prosperity of the country

will begin again to revive; nor can we be in immediate danger of repeating those experiments upon it, the fruits of which have already been so bitter. Experience, so dearly purchased, cannot have failed to teach us wisdom and prudence for the future. The trials of adversity, and especially those which are self-inflicted, have their uses for nations not less than for individuals. We have only to look back upon what we have suffered, and upon what we might have enjoyed, to learn the extent of our blindness and folly.

But we should greatly err, in our review of the past, were we to impute all the blame to our rulers. It was ourselves, individually, who were first at fault. We had become too insensible of the inestimable advantages of self government, and of the unceasing watchfulness and activity which such government always demands of those who would enjoy it. We have perhaps yet to learn how eminently, above all other nations, we are blessed in our form of government; but we certainly ought to have discovered, by this time, that, whether we are well or ill governed, must depend wholly on ourselves. If we have intelligence, activity, and energy enough to place and keep in power honest and able rulers, political self-government is undoubtedly the best form of which we have any knowledge; but if we have not these qualities, it is probably the worst. Self-government arms us, for our protection, with the right of suffrage and with the power of enlightening and improving our fellow-men. These have been given us, not to be thrown aside, or neglected at our pleasure, but to be preserved and cherished, as the choicest rights of freemen, and to be diligently and perseveringly used on all occasions. The destinies of our beloved country are, in some degree, in the hands of each one of us, and not only the destinies of our own country, but those of the human race. On our shores liberty has unfurled her standard. If she find sons here worthy to bear it, it will not only continue to wave over our own heads, but it will stand as a signal to other nations. Let us not then be unmindful of our high responsibilities: but let us place our duties to our country and her institutions next after those to religion and our Maker.

In looking back upon the events of the past year, we find reason to be grateful not only that we have escaped the dangers of a foreign, but the horrors of a civil war. Incredible as it may appear, in an age and country like ours, but a few months have elapsed, since, almost in our own neighborhood, sons have been armed against fathers, and brothers against brothers, and trains of artillery have been pointed with deadly intent, while accident alone has prevented the lighting of the match which might have deluged our whole country in blood. I shudder to think that the spirit of party has, so soon, and with so little cause, involved us in a scene like this. The danger we have but just escaped is the greatest and most appalling with which we have been threatened since we became a nation. It was neither imaginary, nor uncertain in magnitude. It attempted to conceal the odious features of rebellion, and assume the more attractive form of justifiable revolution. In this disguise it appeared to, and enlisted the sympathies of those, who had originally no concern with it, and it was then, and not before, that it became the cause of general and well grounded alarm. However we may be divided by state lines, when internal or external wars are threatened, we are but one people. Whatever may be the cause of rebellion, or revolution, in a single state, its consequences can never be confined within its own limits. They will extend throughout the land, and involve, eventually, every member of the Con-

federacy. The flames of civil war are not likely to be lighted up by rebellion against the general government. That has been armed with powers which are abundantly sufficient to quell domestic insurrection. But our peaceful state sovereignties, although authorised to inflict the penalties for treason, are not sufficiently provided against the exigencies of rebellion. Unless, therefore, the general government promptly interferes, under its constitutional power, to suppress it, rebellion against our state governments is the most probable cause which exists of a general civil war.

After escaping from danger, it is natural to look back, that we may see how it occurred, and how it can be avoided for the future. When the colonies, which now form the oldest thirteen states of the Union, separated from the mother country, they generally adopted written constitutions of government, with the right of suffrage more or less restricted, but in none of them universal, and in several, colonial inequalities of representation were preserved. When written constitutions were adopted, they, in most instances, provided modes for their own amendment.

Rhode Island, however, satisfied with the existing form of government, did not adopt a written constitution. On our separation from Great Britain, therefore, the laws of the legislature of that state became the supreme law, and the power of government could not be changed without an act of the legislature, or by revolution. Any change which should be made, however peaceably, unless by law, would, of course, be a revolution, as it would be putting down the existing government, without its own consent, and substituting another in its place.

In all the old states, inequalities in the right of suffrage and representation continued to exist unaltered, till within about twenty years past, unattended by serious complaint, and certainly without the thought of revolution. About that time, in some few of the states, public opinion demanded a change, and a change was accordingly made, without difficulty or violence. In other states, where peaceable modes of altering the constitution are provided, inequalities, nearly or quite as great as those complained of in Rhode Island, have been allowed to exist to this day. In our own state even, unshackled by colonial restraints, we voluntarily formed and have continued a government, whose inequalities of representation are probably equal to those, which, in Rhode Island, were thought to justify a revolution, and that, too, by the sword. But such a revolution can only be justified when the evils of government have become oppressive and intolerable, and when all hope of milder remedies is lost. Such was not the state of things in our sister state, at the time a portion of her citizens thought proper to raise the standard of civil war. We heard no complaints of misgovernment, nor of the suffering of any portion of her people. They were in full possession of the same free government they had always enjoyed, and of the civil rights which are universal in the country. It is true their political privileges were not equal. Some towns had a greater proportion of representation than others, and there were property qualifications for voters. These were the evils, and all the evils complained of.

If it is to be granted, that for reasons like these, government may, at any time, be overturned by violence, we shall never, in this country, be without fruitful causes of civil war. There are inequalities in the right of suffrage and representation in every state; and in none, can greater inequality of representation be found, than at present exists, under our national government, in the Senate of the United States. There, two mil-

lions and a half of the citizens of New York are no more numerously represented than a hundred thousand citizens of Rhode Island.

Considerations like these should satisfy us, that mere theories about government and political rights, unaccompanied by oppression and a privation of civil rights, can never, in this country, justify a resort to the sword. Public opinion is the safe, proper, and certain corrective of all evils of this description. Its operation is gradual, but it is surely better to wait long and patiently for its ultimate effects, than rashly to engage in a savage warfare with each other. Indeed, in Rhode Island, public opinion had already produced its effect, and left those, whose feet were so swift to shed blood, without the slightest excuse. Before they raised the standard of rebellion, the legislature had caused a constitution to be submitted to the people, which it was fully in their power to adopt. It will hardly be deemed a sufficient answer to this, to say, that it was not such in all respects as a portion of the people required. It went almost the whole extent of their demands. It is not desirable that changes in government should be abrupt, in matters about which there is nearly an equal division of opinion. In all well regulated communities, such changes are always gradual, and there cannot be the slightest doubt but that, in Rhode Island, surrounded by free republics, and herself one of their elder sisters, every thing, which could be justly demanded, would, in due time, have been obtained. And, under all the circumstances, the attempt, which was made by a portion of her people, to plunge the state in civil war, deserves, in my judgment, the severest reprehension of every humane citizen, and every lover of his country. And I cannot find words to express my sense of the conduct of those, who, unconcerned in the affairs of that state and remote from the dangers and horrors of the scene, urged on and stimulated her deluded citizens to the enactment of the tragedy which they were so eager to witness.

I have thought it my duty to express these views, because it is a subject of immediate interest to us all, and because a suitable expression of opinion, as to the character of such events, is, perhaps, one of the best means of preventing their recurrence. It is due also to the state of Rhode Island, after having passed through so severe and unexampled a trial, and after the noble exhibition she has made of firmness, wisdom, and forbearance, under circumstances of such extreme difficulty and peril.

There is nothing which so much promotes the love of order in a community as the diffusion of knowledge, and especially of that knowledge which is early instilled into the mind. Those who are prepared, with sound principles and a good education, for the active scenes of life, can hardly fail to make useful, peaceable, and moral members of society. And those who are not thus prepared, though naturally well inclined, may easily be made instruments of disorder and mischief. Society has, therefore, no security, except in the early education of its members. Self-interest is thus made the means of compelling us to discharge the highest of all duties towards our fellow men. That portion of our lives, which is employed most profitably for ourselves and our own children, is probably the time we devote to educating the children of others—as the greatest of all benefits is that of living in a peaceable, moral, and well governed community.

Knowing that you fully unite with me in these sentiments, I do not hesitate again to press upon your attentive consideration the subject of our schools and seminaries of learning. In pursuance of a resolution passed

at your last session, I appointed a committee, charged with the duty of enquiring into their condition and the best means of improving them. Their report, which has not yet been received, will probably be made during the present session, and I entertain the hope that it may greatly benefit the cause of education. There is reason to fear that the individual interest, in our common schools, which was formerly so observable among our citizens, has lately been declining. It would be natural, perhaps, that this should be the case, as, at an early period, these schools depended principally for their support upon the separate arrangements and voluntary contributions of each school district. And, as our schools have become, every year, more and more at the public charge, the necessity of such voluntary support would be less and less felt, and, possibly, the introduction and progress of a new system has been allowed to supplant the old one more rapidly than it should have done. If private interest in the subject has thus been withdrawn, only in proportion to the increase of the public fund even, the effect may have, and probably has, been unfavorable. Individual exertion, which springs from a sense of necessity, is active and zealous; and to render a system of support, in schools at the public expense, an adequate substitute for the voluntary system, it is indispensable that it should be accompanied by some general plan of public superintendance and management. Such a plan should embrace all that is essential to secure a perfect knowledge of the whole subject of education, as it exists throughout the state, a careful application of the school fund, and an adequate support of the necessary schools.

Several states have adopted systems similar to the one I recommend, and I would refer you particularly to that which exists in the state of Massachusetts, and to the reports which are annually made, under it, by an officer charged with the duty of their superintendance. I have been forcibly impressed with the utility of these reports, and, indeed, I am unable to perceive how they can be dispensed with, if our schools are to become objects of public care and support. Without them, it is difficult to understand how the public can ever be possessed of the knowledge necessary to their proper management.

The expense attending such reports, and the examination and enquiries of which they are the result, would not be considerable, and even if it were, it ought to constitute no objection to the plan, if I am correct in my view of its importance. But it seems to me, that, if a wise and efficient system were adopted, and our school fund and schools placed under the immediate care of a faithful officer, a sufficient saving might be made to defray all additional expenses.

Without attempting to present new reasons for a liberal provision for our colleges and higher schools, I would again urge the subject upon your consideration. It is for you to decide how liberal a provision the state of our finances will admit of. But I must be permitted to say, that, in a community like ours, education, in any of its branches, ought not to be suffered to languish, from any motives of economy.

The business prosperity of the people of the state, and the means of improving it, deserve your continued and constant care. While every one is left perfectly free in his own pursuits, it is in the power of government to accomplish many things to which individual efforts would be entirely unequal. Government may in various ways afford salutary aid to the enterprise and industry of its citizens, and it seems to me to be one of its first duties to enquire what it can do to improve them. Our citizens have be-

come so dependent upon the growing of wool, that this article may be said to be the staple of the state, and I regret to say that the extreme depression in its price is not only the cause of present inconvenience, but of uneasiness as to the future. The rich and almost boundless plains of the great West are becoming covered with flocks of sheep, which will soon furnish supplies of wool in such abundance, as, I fear, may seriously affect the sale of our own. But as the West can also produce every thing else cheaper than the Atlantic states, it would be in vain to attempt to compete with them in any other product destined for the general market. Our constant study should therefore be directed to creating and building up a market among ourselves, and to establishing the means of such rapid communication with the markets on the sea-board as would enable us to dispose of our products, without fear of competition from the distant west.

The most obvious means of accomplishing these objects are the introduction of rail-roads, and the encouragement of manufactures and the mechanic arts. Capitalists, confiding in the stability and justice of our legislation, would readily occupy the valuable sites for water power with which our state abounds, were it not for the difficulty of reaching them. This difficulty would be entirely removed by the construction of rail-roads, and they will be constructed when individuals become fully satisfied of their vast importance to our prosperity. Almost unattainable as this object seems, at present, to be, I do not at all despair of its ultimate accomplishment. Obstacles, which at first appear almost insurmountable, will yield, in the end, to public spirit and enlightened self-interest, kept constantly alive.

The establishment of manufactures may be encouraged by a liberal granting of charters, with such provisions as shall secure vested rights against violation or encroachment. I greatly mistake the character of the people of this state, if there should ever be a disposition to disturb them. But it would, nevertheless, be the part of wisdom to offer this, as well as every other possible inducement, to those who have the means and inclination to embark in such undertakings. In the neighborhood of manufactories, population would naturally increase, and the mechanic arts spring up and thrive. A home consumption would thus be created for agricultural products, upon which the farmer could always depend. Certainly no community could secure to itself greater prosperity than ours, by adopting and steadily pursuing this course of policy. No people have been more highly favored than ourselves, by natural advantages, and it will be our own fault if we do not improve them.

The tariff of duties lately passed by Congress will, I have no doubt, greatly increase our prosperity. Yet we must not expect from it miraculous effects. Protection had been so long, so unwisely and unjustly withheld, that the whole country was inundated with foreign manufactures, and our means almost exhausted to pay for them. The consequence has been a universal prostration of all the great interests of the country, from which we cannot expect they will suddenly recover. But let us at least derive some benefit from these self-inflicted evils. They should teach us the necessity of guarding against their recurrence. Already do we see the same spirit of mischief, which produced them, again at work in demanding and threatening a repeal of the Tariff. If we watch and oppose it, as we should, we can have little to fear from it. But its success would be our ruin.

In connection with our internal prosperity, I would again call your at-

tention to the subject of a geological survey of the state. The discovery of mineral wealth would more certainly hasten the establishment of rail roads than any other cause. To this cause, indeed, they owe their invention. But it is principally on account of the direct benefit which agriculture would derive from such a survey, that I am solicitous to see it undertaken. While the agriculturalists of other countries are availing themselves, to so much advantage, of the lights of science, let it not be said that the farmers of Vermont are falling behind the age in agricultural improvements. Similar surveys have already been made, or are now in progress, in most of the sister states, and in no instance have they failed to be attended by results of high importance and value. They have not only determined the locality of suspected ores and other minerals, but have often laid open rich mines of metallic and mineral deposits, in regions where their existence had never before been imagined. The narrow territorial extent of our state, and the ready accessibility of its whole surface, render its thorough examination a task which may be accomplished within moderate limits both of time and expense; and I have no doubt our people would cheerfully bear the light addition to their burdens, arising from the adoption of a measure, which promises not only substantial pecuniary and social benefits, by a developement of our internal resources, but an important contribution to natural science and to those great agricultural and manufacturing interests, which it is among the chief duties of an enlightened community to foster. I would suggest, in this connexion, that a sum more than sufficient to meet the expense of such a survey, is now due to the state from the General Government, arising from the sales of the public lands, under the act of September 4th, 1841.

It will be your duty, during your present session, again to divide the state into districts, for the election of members of Congress. For a long series of years this state has been distinguished, I think I am warranted in saying, above any other, for the moderation and justice with which the prevailing political party has treated the rights and claims of the minority. It is a circumstance in our history of which we may justly be proud, and upon which we shall always look back with satisfaction. An equitable division of the state into congressional districts will furnish us no new matter to boast of; it will be merely an adherence to our established customs.

The militia of the state, the brave successors of those, who, in our revolutionary struggle, acquired such unfading honor, will, I am sure, receive from your hands all the consideration which so important a part of our system deserves. The duty of appointing a committee to revise the militia laws, which you devolved upon me at your last session, has been discharged, and their report will, at an early day, be communicated to you.

In the discharge of my official duties, I have had an opportunity of learning the mode in which the accounts of the state, with many of its officers, have hitherto been kept, and I feel bound to call your particular attention to the subject. There is an urgent and pressing necessity here, for a thorough reform. I have been surprised to find that, from the manner of keeping these accounts, opportunities have so long existed for fraudulent practices. A revision of the laws on this subject is imperatively required, and a system should be adopted which will secure a rigorous and exact accountability of every public officer. Great improvements have recently been made in the systems of other states, and it may be well to avail ourselves of the benefit of their experience. I fear we shall gain little, how-

ever, by any attempts at change, unless they are made with a determination to effect a thorough and well matured reform, and to extend it to every officer, immediately or remotely connected with the Treasury. I am relieved from the necessity of entering into greater detail, by the able report of the Auditor, appointed at the last session of the Legislature, which I herewith transmit to you.

In my annual communication last year, I called your attention to several subjects connected with the administration of the General Government, and certain proposed amendments in our Federal Constitution. I allude to the Veto power, the re-eligibility of the President, and the power of removal from office. Subsequent occurrences have strengthened my confidence in the soundness of the views I then expressed; but whether these questions—or that of the distribution of the proceeds of the Public Lands among the several states, to which they have, in my opinion, the clearest right—call for any immediate legislative action, I submit to your judgment and discretion.

CHARLES PAINE.

EXECUTIVE CHAMBER, }
Octo. 14, 1842. }

Mr. Starr moved that three hundred copies of His Excellency's Message be printed for the use of the Senate.

On motion of Mr. Sprague the said resolution was amended by striking out the words "three hundred," and inserting the words "two hundred," and as amended, passed.

The Senate took up the amendments proposed by the House to the Senate resolution relative to a Legislative Directory, which said amendments are as follows:

First—Strike out the word "except" and insert in lieu thereof the word "with."

Second—Strike out the word "four" and insert the word "six."

The Senate concurred in the first of the said amendments, and voted not to concur in the second.

Mr. Briggs called up the report of the Auditor, transmitted with the Governor's message, and on his motion the said report was referred to the Committee on Finance.

The Senate adjourned.

SATURDAY, Oct. 15, 1842.

Prayer by the Chaplain.

The journal of yesterday was read.

(S. 3.) Mr. Briggs introduced a bill entitled "an act in amendment of section 63 of chapter 28 of the Revised Statutes, and to repeal an act therein mentioned."

Which was read the first and second times and referred to the Committee on the Judiciary.

(S. 4.) Mr. Butler introduced a bill entitled "an act abolishing capital punishment."

Which was read the first and second times, and

On motion of Mr. Camp,

Referred to a select committee of three Senators.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House have passed a resolution providing for the appointment of a Joint Committee to prepare and report Joint Rules of the two Houses, in which they request the concurrence of the Senate.

The said resolution of the House is as follows :

Resolved, by the Senate and House of Representatives, that a joint Committee of three members of the Senate, and three members of the House of Representatives, be appointed by their respective Houses to report Joint Rules.

The Senate passed the same in concurrence.

Mr. Butler introduced the following resolution :

Resolved, That the Committee on Agriculture be instructed to enquire into the expediency of providing by law, for the payment of a bounty on wheat raised in this state, and report by bill or otherwise.

Which was read and passed.

Mr. Plumb introduced the following resolution :

Resolved, That the Committee on Roads and Canals be instructed to enquire into the expediency of amending the 25th section of the 20th chapter of the Revised Statutes, in relation to the opening of highways.

Which was read and passed.

Mr. Camp, from the Committee on Finance, to whom was referred the report of the Auditor communicated with the annual message of the Governor, reported the same in part, and, on his motion, it was

Ordered, That three hundred copies of the said report be printed.

Mr. Blodgett introduced the following resolution :

Resolved, That the Committee on Elections be instructed to enquire whether any person is holding a seat in this Senate, who was ineligible to such office at the time of receiving his election.

Which was read and passed.

The Chair announced the appointment of Mr. Camp, Mr. Briggs, and Mr. Dillingham, as the Committee on the part of the Senate, to prepare and report Joint Rules of the two Houses.

The Senate took into consideration the resolution on the table, introduced yesterday, by Mr. Sheldon, relative to a geological survey of the State.

And it was passed.

On motion of Mr. Stevens,

The Senate adjourned.

AFTERNOON.

Mr. Eaton, a Senator elect from Franklin County, appeared in the Senate Chamber, was sworn, and took his seat.

Mr. Munsill introduced the following resolution :

Resolved, That the Committee on Roads and Canals be instructed to enquire into the expediency of providing, by law, for laying out highways through unorganized towns and gores of land.

Which was read and passed.

(S. 4.) The President announced the appointment of Mr. Butler, Mr. Starr, and Mr. Blodgett, as the select committee on the bill entitled "an act abolishing capital punishment."

(S. 5.) Mr. Butler introduced a bill entitled "an act relating to the punishment of capital crimes."

Which was read the first and second times, and

Referred to the select committee to whom was referred the bill (S. 4.) entitled "an act abolishing capital punishment."

(S. 6.) Mr. Sowles introduced a bill entitled "an act to pay the town of Alburgh the sum therein mentioned."

Which was read the first and second times, and

Referred to the Committee on Claims.

Mr. Hubbell presented the petition of Laura Elizabeth Moore and others, praying for authority to hold real estate.

And said petition was referred to the Committee on the Judiciary.

(S. 7.) Mr. Hatch introduced a bill entitled "an act in addition to an act in relation to the Grand List,"

Which was read the first and second times, and,

Referred to a select committee of three Senators.

The President announced, as such committee, Mr. Hatch, Mr. Field and Mr. Eaton.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT,—The House have passed a resolution providing for a Joint Assembly to elect Judges of the Supreme Court ; also to elect a Secretary of State, Auditor of Accounts, and Auditor in the Treasury Department ; in which they request the concurrence of the Senate.

The House have resolved to insist on their second proposed amendment to the resolution of the Senate, providing for a Legislative Directory.

A resolution from the House of Representatives, as follows :

Resolved, by the Senate and House of Representatives, That both Houses meet in Joint Assembly, on Tuesday next, at ten o'clock A. M. to elect Judges of the Supreme Court for the year ensuing.

Which was read and passed, in concurrence.

A resolution from the House of Representatives, as follows :
Resolved, by the Senate and House of Representatives, That both Houses meet, in Joint Assembly, on Wednesday next, at three o'clock, P. M. for the purpose of electing a Secretary of State, an Auditor of Accounts against the State, and an Auditor in the Treasury Department for the year ensuing.

Which was read and passed, in concurrence.

The Senate took up the resolution relative to the Legislative Directory, returned from the House with the resolution to insist on their proposed amendment, and resolved to recede from their disagreement to the said amendment, and to concur in the same.

Mr. Sheldon moved a reconsideration of the vote of the Senate concurring in the adoption of the resolution from the House of Representatives, providing for a Joint Assembly to elect Judges of the Supreme Court.

And the question being taken,
 The Senate refused so to reconsider.

On motion of Mr. Munsill,
 The Senate adjourned.

MONDAY, Oct. 17, 1842.

Prayer by the Chaplain.

The Journal of Saturday was read.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT,—The House have passed a resolution providing for the appointment of a Joint Committee, to examine into and report, the condition of the State Library, in which they request the concurrence of the Senate.

The House have, on their part, appointed as the Committee to prepare and report Joint Rules of the two Houses, Mr. Hebard, Mr. Vilas and Mr. Pettibone.

On motion of Mr. Camp, the Senate reconsidered their resolution concurring with the House in passing a resolution providing for a Joint Assembly to elect a Secretary of State, an Auditor of Accounts against the State, and an Auditor in the Treasury Department, for the year ensuing, and

On his motion, the said resolution was laid on the table.

Mr. Sprague introduced the following resolution :

Resolved, That while the products of this State are at the present ruinous low prices, it is an incumbent duty on the Legislature, now in session, to make diligent inquiry into the propriety of reducing all salaries estab-

lished by law; particularly that of the Judges of the Supreme Court, which now is over one hundred and fourteen dollars per month, by the year, to that of eighty-three and one third, and the Committee on Finance be requested to make such inquiry, and report by bill or otherwise.

Which was read, and on motion of Mr. Cutts,
Laid on the table.

Mr. A. Allen introduced the following resolution:

Resolved, That the Committee on the Judiciary be instructed to report a bill extending the jurisdiction of Justices of the Peace to the trial of all actions, on book accounts, where the balance claimed to be due does not exceed one hundred dollars.

Which was read; and the question being taken, it was rejected.

(S. 8.) Mr. Plumb introduced a bill entitled "an act in addition to, and alteration of, Chapters 28, and 103, of the Revised Statutes."

Which was read the first and second times, and referred to the Committee on the Judiciary.

(S. 9.) Mr. Sheldon introduced a bill entitled "an act in addition to, and in alteration of, the act relating to the Grand List, passed November 11, 1841."

Which was read the first and second times, and referred to the select committee on the bill (S. 7,) entitled "an act in addition to an act relating to the Grand List."

The Senate took up a resolution from the House of Representatives, as follows:

Resolved, by the Senate and House of Representatives, That a select committee of three, on the part of each House, be appointed by the two Houses, to examine into and report the condition of the State Library.

And it was passed in concurrence.

On motion of Mr. Briggs, it was

Ordered, That when the Senate adjourn, it adjourn to meet to-morrow morning, at the usual hour.

On motion of Mr. Barrett,

The Senate adjourned.

TUESDAY, OCT. 18, 1842.

Prayer by the Chaplain.

The journal of yesterday was read.

The President announced as the committee on the part of the Senate, to examine into and report the condition of the State Library, Mr. Blodgett, Mr. Barrett, and Mr. Cutts.

Mr. Camp, from the Joint Committee appointed to prepare and report Joint Rules of the two Houses, reported the Rules of the last year, with a proposition to amend the same, by erasing, from Rule 2, all after the words, "Secretary of State," to wit, the words, "but shall not be reported to the Senate, or House of Representatives, or published in their Journals, unless especially so ordered."

The Senate adopted the proposed amendment, and also the Joint Rules, thus amended.

JOINT RULES.

1. A joint assembly shall be formed by a union of the Senate and House of Representatives in the hall of the latter, for the purpose of electing certain State and county officers, in which the Secretary of State, or in his absence the Secretary of the Senate, shall officiate as Clerk. It shall be formed only at such time, and for such specific purpose, as may be expressed in a concurrent resolution of both houses; and may adjourn from time to time during the sitting of the General Assembly.

2. The proceedings of every joint assembly, including the resolutions ordering the same, shall be recorded by the Clerk in a book kept for that purpose, which shall be preserved in the office of the Secretary of State, a copy of which shall be furnished to the Governor by the Secretary of State.

3. Previous to the meeting of any joint assembly, for the purpose of electing county officers, the members of the Senate and House of Representatives, from the several counties, shall convene in county conventions, and make a nomination, for all the officers to be elected in their respective counties, and present the same for the consideration of the joint assembly; and no nomination of any county officers shall be finally acted on by the joint assembly, until the same shall have been submitted to the county convention.

4. The rules of the Senate, so far as applicable, shall be observed in regulating the proceedings of every joint assembly.

5. The committees of the Senate and House of Representatives, to whom the same subject matters shall have been referred, may, for the purpose of facilitating business, meet together as a joint committee, and make a joint or separate report to either or both houses, as they may think expedient.

6. In every case of disagreement between the Senate and House of Representatives, if either shall request a conference and appoint a committee for that purpose, and the other house shall also appoint a committee on its part, such committees shall meet, at a convenient hour, to be agreed upon by their chairman, in the conference room, and state to each other, verbally or in writing, the reasons of each house for its vote on the subject matter of disagreement, confer freely thereon, and make report of their doings to their respective houses as soon as may be.

7. Committees of conference shall consist of an equal number from each house, and shall return the papers referred to them to that house which last voted upon the subject matter of disagreement.

8. When bills are on their passage between the two houses, they shall be under the signature of the Secretary or Clerk of each house respectively.

9. After bills have passed both houses, and a certificate showing the one in which they respectively originated has been duly endorsed thereon,

they shall be delivered to a joint standing committee of two Senators and two members of the House of Representatives, to be designated the Committee on Bills, who shall make careful examination, and see that they are correctly engrossed, and when satisfied of their accuracy, shall present them first to the Speaker of the House of Representatives, and then to the President of the Senate, for their official signatures, and having obtained them, they shall forthwith deliver them to the Governor for his approbation, and shall make true report to both houses of the day on which each bill was so delivered to the Governor, which shall be duly entered upon the journal of each house.

10. When a bill or resolution, which shall have passed one house, is rejected in the other, notice thereof shall be given to the house in which the same shall have passed; and all such rejected bills or resolutions, with the accompanying papers, shall be returned to, and left in custody of, the house which first acted upon them.

11. Each house shall transmit to the other all papers on which any bills or resolution shall be founded; and should such bills or resolutions pass both houses, the same papers shall be delivered to the Governor.

12. After each house shall have adhered to the vote of disagreement, a bill or resolution shall be lost.

13. No bill, which shall have passed one house, shall be sent for concurrence to the other on either of the two last days of the session.

Mr. Camp called up the resolution from the House of Representatives, on the table, providing for a Joint Assembly to elect a Secretary of State, an Auditor of Accounts against the State, and an Auditor in the Treasury Department.

And the said resolution was passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have passed a resolution providing for a Joint Assembly to elect a Senator to represent the State in the Congress of the United States for six years from the 4th day of March, 1843, in which they request the concurrence of the Senate.

The House have, on their part, adopted the Joint Rules, reported by the Committee of the two Houses.

Mr. Smalley presented the petition of Daniel Preston and others, which was read and referred to the Committee on the Judiciary.

Mr. Cutts called up the resolution on the table, presented by Mr. Sprague, relative to reducing the salaries of Judges of the Supreme Court and other officers, and moved to amend the same by striking out all after the word "Resolved," and inserting, in lieu thereof, the words "That the Committee on Finance be directed to enquire into the expediency of making any alteration in the salaries, either of the Judges of the Supreme Court, or of any other officers."

And on the question, Will the Senate so amend the resolution? the yeas and nays having been demanded by Mr. Sprague, were as follows:

The Senators who voted in the affirmative are,

Messrs. A. Allen, E. Allen, Barrett, Bartlett, Briggs, Butler, Camp, Cutts, Dillingham, Dutton, Eaton, Field, French, Green, Hatch, Hubbell, Munsill, Plumb, Porter, Sheldon, Sowles, Starr, Stevens, Townsley, Wright—25.

Those Senators who voted in the negative are,
Messrs. Aikin, Bingham, Blodgett, Sprague—4.

So the amendment was adopted, and the resolution as amended was passed.

Mr. Smalley introduced the following resolution :

Resolved, That so much of the Governor's message as relates to the attempt of the citizens of Rhode Island to form a constitution for their government, be referred to a select Committee of three, with directions to make report thereon.

Which was read and passed.

(S. 10.) Mr. French introduced a bill entitled "an act in addition to chapter 24 of the Revised Statutes."

Which was read the first and second times and referred to the Committee on the Judiciary.

A resolution from the House of Representatives, as follows :

Resolved, by the Senate and House of Representatives, That both Houses respectively proceed, at 10 o'clock A. M., on Wednesday next, to elect a Senator to represent the State, in the Congress of the United States, for six years from the 4th day of March 1843, and that both Houses meet in the Representatives Hall, immediately thereafter, to complete said election.

Was taken up, and Mr. Briggs moved to amend the same, by inserting, after the words "4th day of March, 1843," the words "and to represent the State in the Congress of the United States, for the unexpired term of the Hon. Samuel Prentiss."

Which proposed amendment was rejected.

Mr. Cutts moved that the resolution be laid on the table.

Which motion was rejected.

And the original resolution was passed, in concurrence.

Mr. Plumb moved to reconsider the vote by which the resolution introduced by Mr. A. Allen, relative to extending the jurisdiction of justices was rejected.

Pending this motion,

On motion of Mr. Sowles,

The Senate adjourned.

AFTERNOON.

-The President announced the appointment of Mr. Smalley, Mr. Briggs, and Mr. Dutton, as the select committee on the resolution introduced by Mr. Smalley, providing for a reference of that portion of the Message of His Excellency, the Governor, relating to the State of Rhode Island.

On motion of Mr. Plumb,

The Senate reconsidered the vote of yesterday rejecting the resolution introduced by Mr. A. Allen, relative to extending the jurisdiction of jus-

tices of the peace, and the said resolution having, on motion of Mr. Briggs, been so amended as to read as follows:

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of extending the jurisdiction of justices of the peace to the trial of all actions on book accounts, where the balance claimed to be due does not exceed one hundred dollars."

Was passed.

(S. 11.) Mr. Bartlett introduced a bill entitled "an act in addition to chapter 109 of the Revised Statutes."

Which was read twice and referred to the Committee on the Judiciary.

(S. 12.) Mr. E. Allen introduced a bill entitled "an act in alteration of the sixteenth section of the eighty-eighth chapter of the Revised Statutes."

Which was read twice and referred to the Committee on Agriculture,

On motion of Mr. Dillingham,
The Senate adjourned.

WEDNESDAY, Oct. 19, 1842.

Prayer by the Chaplain.

The journal of yesterday was read.

The President announced the appointment of Mr. E. Allen, and Mr Green, as the Committee on Bills, on the part of the Senate.

Mr. Briggs introduced the following resolution:

Resolved, by the Senate and House of Representatives, That the proceedings in the election of Senator to represent this State in the Senate of the United States—as provided for in a joint resolution which has been passed—be postponed till Friday next, at 10 o'clock forenoon.

Which was read and passed.

(S. 13.) Mr. Butler introduced a bill entitled "an act altering the name of Gilman Sinclair."

Which was read the first and second times, and

Ordered, To lie on the table.

(S. 14.) Mr. Butler introduced a bill entitled "an act in addition to chapter 24 of the Revised Statutes."

Which was read the first and second times, and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT,—The House concur with the Senate in passing a res-

olution providing for the postponement of the election of a Senator to represent this State in the Senate of the United States.

Mr. Butler introduced the following resolution:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of limiting by law, the fees of Auditors of Accounts appointed by County Courts, and report by bill or otherwise.

Which was read and passed.

On motion of Mr. Briggs,
The Senate adjourned.

AFTERNOON.

(S. 15.) Mr. Hatch introduced a bill entitled "an act relating to claims," which was read the first and second times, and referred to the Committee on Finance.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have passed a resolution relative to a repeal of the U. S. Bankrupt Law, and a resolution providing for a Joint Assembly to elect a Superintendent and three Directors of the State Prison, in which they request the concurrence of the Senate.

Resolutions from the House of Representatives, as follows:

Resolved, by the Senate and House of Representatives, That our Senators in Congress be instructed, and our Representatives requested to use their best exertions and influence to procure the repeal of the act passed at the extra session in 1841, entitled "an act to establish a uniform system of bankruptcy throughout the United States."

Resolved, That his Excellency, the Governor, be requested to transmit a copy of the foregoing resolution, to each of our Senators and Representatives in Congress.

Were read, and on motion of Mr. Briggs,

Ordered to lie on the table.

A resolution from the House of Representatives, as follows:

Resolved, by the Senate and House of Representatives, That the two Houses meet in Joint Assembly, on Tuesday next, at ten o'clock A. M. to elect a Superintendent and three Directors of the State Prison.

Was read, and on motion of Mr. Porter, amended by inserting, after the word "Superintendent" the word "Chaplain," and thus amended, the resolution was passed in concurrence.

Mr. Briggs, from the Committee on the Judiciary, to whom were referred the resolutions, relative to Jail Yard limits, and to extending the Jurisdiction of Justices of the Peace, reported the opinion of the Committee to be, that no legislative action is demanded thereon.

(S. 16.) Mr. Cutts introduced a bill entitled "an act in addition to an act entitled 'an act for the relief of the Insane Poor.'"

Which was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Butler introduced the following resolution :

Resolved, That the Committee on Finance be instructed to inquire into the expediency of reducing the fees of witnesses imposed in Auditors' and Referees' Courts, and report by bill or otherwise.

Which was read and passed.

(S. 17.) Mr. French introduced a bill entitled "an act repealing part of section 14 of chapter 15 of the act regulating and governing the Militia."

Which was read the first and second times, and referred to the Committee on Military Affairs.

(S. 14.) Mr. Dillingham, from the Committee on the Judiciary, to whom was referred the bill entitled "an act in addition to chapter 24 of the Revised Statutes," reported the same, with a recommendation to amend by striking out all after the enacting clause, and inserting in lieu thereof, the following :

"That all suits in chancery by bill for the foreclosure of mortgages, shall be brought and tried in the county where the mortgaged premises, or some portion thereof, shall be situated," and that thus amended the bill be passed.

The said amendment was adopted, and the bill was

Ordered, To be laid on the table.

A message from the Governor, by Mr. Hale, Secretary of Civil and Military Affairs :

MR. PRESIDENT: I am directed by His Excellency the Governor, to communicate to the Senate, for the use of the General Assembly, certain documents received from other States of the Union.

The said documents being from the States of Connecticut, Kentucky, Georgia, Alabama, Maryland, Maine, Massachusetts, Rhode Island, New York, South Carolina, Tennessee, Mississippi, New Jersey, and from the City of Alexandria, in the District of Columbia, were severally referred to a select Committee of three Senators.

The Senate adjourned.

THURSDAY, Oct. 20, 1842.

Prayer by the Chaplain.

The Journal of yesterday was read.

The President announced the appointment of Mr. Starr, Mr. Bartlett, and Mr. Eaton, as the select committee directed to be raised on the reso-

lutions from other States, communicated yesterday, for the use of the General Assembly, by His Excellency the Governor.

(S. 18.) Mr. Butler introduced a bill entitled "an act relating to fees of auditors, referees and witnesses."

Which was read twice and referred to the Committee on Finance.

(S. 19.) Mr. Sheldon introduced a bill entitled "an act relating to fox certificates."

Which was read twice and referred to the Committee on Finance.

(S. 20.) Mr. Bartlett introduced a bill entitled "an act to pay the persons therein named the sum therein mentioned."

Which was read twice and referred to the Committee on Claims.

(S. 21.) Mr. Bartlett introduced a bill entitled "an act for the relief of Salma Davis and others."

Which was read twice and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur with the Senate in their proposed amendment to the resolution relating to the election of Superintendent and Directors of the State Prison.

The House have passed a resolution providing for the election of a Reporter of the decisions of the Supreme Court, three Commissioners of the deaf, dumb and blind, and a Sergeant-at-Arms, in which they request the concurrence of the Senate.

A resolution from the House of Representatives, as follows:

Resolved, by the Senate and House of Representatives, That the two Houses meet in Joint Assembly, on Tuesday next, at ten o'clock A. M., to elect a Reporter of the decisions of the Supreme Court, Commissioners of the deaf, dumb and blind, and a Sergeant-at-Arms,

Was read and passed in concurrence,

Mr. Sowles presented the petition of Sylvester Phelps and Jedediah P. Ladd, and on his motion, the same was referred without reading, to the Committee on the Judiciary.

Mr. Smalley called up the bill (S. 14,) reported yesterday by the Committee on the Judiciary, with amendments, which were adopted by the Senate, and on his motion, the said bill was recommitted to said Committee for further amendment.

(S. 22.) Mr. Eaton introduced a bill entitled "an act in addition to chapter 69 of the Revised Statutes."

And the said bill was read twice and on his motion referred to the Committee on Agriculture.

(S. 11.) Mr. French, from the Committee on the Judiciary, to whom was referred the bill entitled "an act in addition to chapter 109 of the Revised Statutes," reported the same with amendments, which on the demand of Mr. Briggs were considered by the Senate as in Committee of the Whole.

The Committee having made progress therein, rose and reported the bill to the Senate, with amendments, which were adopted, and the bill laid on the table.

(S. 23.) Mr. Hubbell, on leave, introduced a bill entitled "an act to incorporate the St. Albans Steam Mill and Transportation Company."

Which was read twice and referred to the Committee on Manufactures.

The Senate adjourned.

AFTERNOON.

Mr. Blodgett, on leave, presented the petition of Lebbeus Edgerton, praying for the payment of a sum of money alledged to be due to him from the State.

Which was read and referred to the Committee on Claims.

The Senate took up the resolutions from the House of Representatives, on the table, relative to a repeal of the Bankrupt Law.

And on the question, Shall the resolutions pass? the yeas and nays having been demanded by Mr. Blodgett, were as follows:

Those Senators who voted in the affirmative are,
Messrs. A. Allen, E. Allen, Barrett, Bartlett, Bingham, Blodgett, Briggs, Butler, Camp, Gutts, Dillingham, Dutton, Eaton, Field, French, Green, Hatch, Hubbell, Munsill, Plumb, Porter, Sheldon, Smalley, Sprague, Stevens, Townsley, Wright—27.

So the resolutions were passed in concurrence.

A message from the Governor by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by his Excellency, the Governor, to communicate to the Senate, for the use of the General Assembly, the report of the Bank Commissioner, and that of the Bank Inspector.

(S. 11.) The Senate, on motion of Mr. Blodgett, took into consideration the bill entitled "an act in addition to chapter 97 of the Revised Statutes."

Mr. Blodgett moved to amend the same by adding the following, as an additional section:

"Section 2. Any sheriff, sheriff's deputy, constable, or other person, having charge of the Jury empaneled by a Justice of the Peace for the trial of any cause, who shall, in like manner offend, shall be punished by a fine not exceeding two hundred dollars."

Which amendment was adopted, and thus amended, the bill was

Ordered to be engrossed and read the third time.

The Senate took up the report of the Bank Commissioner, communicated by his Excellency the Governor, and without reading, it was

Ordered to lie upon the table.

The Senate took up the Report of the Bank Inspector, and it was read, and referred to the Committee on Banks.

On motion of Mr. Smalley,
The Senate adjourned.

FRIDAY, OCT. 21, 1842.

Prayer by the Chaplain.

The journal of yesterday was read.

Mr. Smalley presented the petition of Lucius Sanderson, which was read and referred to the Committee on Claims.

(S. 24.) Mr. Field introduced a bill entitled "an act to alter the act relating to the Grand List."

Which was read twice and referred to the Committee raised on the subject of the Grand List.

(S. 25.) Mr. A. Allen introduced a bill entitled "an act extending the jurisdiction of Justices of the Peace, in certain cases."

Which was twice read, and referred to a select committee of three senators.

The President appointed as such Committee, Mr. A. Allen, Mr. Bingham and Mr. Townsley.

Mr. Eaton was discharged on his own motion from further service on the select committee raised on the subject of the Grand List.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT,—I am directed to inform the Senate that the House are now ready, on their part, to proceed to the election of a Senator to represent this State in the Congress of the U. S. for six years from the 4th of March, 1843, in conformity with the concurrent resolution of both Houses.

On motion of Mr. Camp,

Ordered, That a message be sent to the House of Representatives, informing them that the Senate are ready, on their part, to proceed to the election of a Senator to represent the State in the Congress of the United States for the term of six years from the 4th of March next.

Pursuant to the joint resolution of both Houses, the Senate proceeded to ballot for Senator in Congress.

Mr. Camp presented the name, by nomination, of William Upham, and Mr. Dillingham that of Wm. C. Bradley.

The ballots having been taken and examined, William Upham was found to have received a majority of the votes.

Whereupon,

HON. WILLIAM UPHAM,

was declared to be duly elected, on the part of the Senate, to represent the State in the Congress of the United States for the term of six years from and after the 3d day of March next.

On motion of Mr. Briggs,

Ordered, That a message be sent to the House of Representatives, informing them that the Senate having, on their part, made choice of a Senator, to represent the State in the Congress of the United States, are ready

to meet the House in Joint Assembly, compare proceedings and complete the election.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT,—I am directed to inform the Senate, that the House, having, on their part, made choice of a Senator, to represent this State in the Congress of the United States, are ready to meet the Senate in Joint Assembly, to compare proceedings and complete the election.

On motion of Mr. Briggs,
The Senate adjourned.

AFTERNOON.

(S. 12.) Mr. Sowles, from the Committee on Agriculture, to whom was referred the bill entitled "an act in alteration of the sixteenth section of the 88th chapter of the Revised Statutes," reported the same without amendment, and it was on motion of Mr. Camp, laid upon the table.

(S. 22.) Mr. Sowles, from the same Committee, reported the bill entitled "an act in addition to chapter 69 of the Revised Statutes," with an amendment, which was adopted, and the bill, as amended, ordered to be engrossed and read the third time.

(S. 10.) Mr. Briggs, from the Committee on the Judiciary, reported the bill entitled "an act in addition to chapter 24 of the Revised Statutes," with the opinion of the Committee that it ought not to pass.

And the question, shall the bill be engrossed and read the third time? was decided in the negative.

(S. 2.) Mr. Briggs, from the same Committee, reported in favor of the passage of the bill entitled "an act to repeal the 22d section, chapter 58 of the Revised Statutes," and it was

Laid on the table.

Mr. Dillingham, from the same Committee, reported that the prayer of the petition of Daniel Preston and others ought not to be granted, and that the petitioners have leave to withdraw their petition; which was granted.

Mr. Dillingham, from the same Committee, reported in favor of the petition of Laura Elizabeth Moore, with the recommendation that the petitioner have leave to bring in a bill.

(S. 8.) Mr. French, from the same Committee, reported adversely to the passage of the bill entitled "an act in addition to, and in alteration of chapters 28 and 103 of the Revised Statutes," and it was laid on the table

(S. 16.) Mr. French, from the same Committee, reported the bill entitled

"an act in addition to an act for the relief of the insane poor," with an amendment, and it was laid on the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT,—The House of Representatives have passed a resolution relating to the pay and mileage of members of Congress, in which they request the concurrence of the Senate.

The said resolution was taken up, and ordered to be laid on the table.

The Chair announced the appointment of Mr. Hubbell on the Committee raised on the subject of the Grand List, in place of Mr. Eaton, who on his own motion, had been discharged from further service on said Committee.

On motion of Mr. Briggs,
The Senate adjourned.

SATURDAY, Oct. 22, 1842.

Prayer by the Chaplain.

The Journal of yesterday was read.

Mr. Munsill introduced the following resolution:

Resolved, by the Senate and House of Representatives, That both Houses respectively, proceed at 10 o'clock A. M. on Wednesday next, to elect a Senator to represent this State in the Congress of the United States, to supply the vacancy occasioned by the resignation of the Hon. Samuel Prentiss; and that both Houses meet in the Representatives' Hall, immediately thereafter, to complete said election.

Which was read, and

On motion of Mr. Briggs,

Ordered, To lie upon the table.

Mr. Sheldon introduced the following resolution:

Resolved, That the Committee on Education be instructed to enquire into the expediency of passing a law, directing the inhabitants of each town in this State, at their annual meeting in March of each year, to appoint a committee to examine school teachers; and also to enquire into the expediency of passing a law, withholding from every school district which does not employ a teacher approved by said examining committee, the public school money which would otherwise belong to it.

Which was read and passed.

(S. 20.) Mr. Cutts, from the Committee on Claims, to whom was referred the bill entitled "an act to pay the persons therein named the sum

therein mentioned," reported the same, with the proposal to fill the blank in said bill with the sum, "sixty dollars and thirty cents," and the recommendation that the bill thus completed pass.

The blank was ordered to be so filled, and the bill was

Ordered, To be engrossed and read the third time.

(S. 12.) On motion of Mr. Camp, the Senate took into consideration the bill on the table, entitled "an act in alteration of the 16th section of the 88th chapter of the Revised Statutes."

And on the question, Shall the bill be engrossed and read the third time? the yeas and nays are as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, E. Allen, Barrett, Butler, Plumb, Sowles, and Townsley—7.

Those Senators who voted in the negative are,

Messrs. Aiken, Bartlett, Bingham, Blodgett, Briggs, Camp, Cutts, Dillingham, Dutton, Eaton, Field, French, Green, Hatch, Hubbell, Munsill, Porter, Sheldon, Smalley, Sprague, Starr, Stevens, Wright—23.

So the third reading was refused.

Mr. Field, from the Committee on Roads and Canals, to whom was referred the resolution relative to the opening of highways, reported the opinion of the committee to be that no legislative action is needed thereon.

(S. 26.) Mr. Field introduced a bill entitled "an act in addition to the 26th section of the 21st chapter of the Revised Statutes."

Which was read the first and second times and

Ordered, To lie upon the table.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed, by His Excellency the Governor, to communicate to the Senate a message in writing.

(S. 16.) On motion of Mr. Cutts, the Senate took into consideration the bill on the table, entitled "an act in addition to an act for the relief of the Insane poor," and on his motion,

Ordered, That the bill, together with the report of the Committee on the Judiciary accompanying the same, be recommitted to said Committee.

(S. 27.) Mr. Dutton introduced a bill entitled "an act altering the 6th and defining the 32d section of the 45th chapter of the Revised Statutes."

Which was read the first and second times, and referred to the Committee on the Judiciary.

The following communication was received from His Excellency the Governor:

To the Senate:

I have the honor to transmit to the Senate, for the use of the General Assembly, the report of the Committee ordered to be appointed at your last session, on the subject of education.

I have also transmitted to the House of Representatives the bill reported by the Committee appointed to revise the Militia Laws.

CHARLES PAINE.

EXECUTIVE CHAMBER, }
Octo. 22, 1842. }

The report accompanying the said communication was read, and Mr. Eaton moved that the same be laid on the table and that the Secretary procure to be printed for the use of the Legislature, six hundred copies thereof.

Mr. Townsley moved to amend said motion by inserting the words, "one thousand" in lieu of the words "six hundred," which motion was lost.

Mr. Briggs moved to amend by inserting the words "three hundred" in lieu of "six hundred," and the said amendment was adopted; and the motion, as amended, prevailed.

On motion of Mr. Sowles,
The Senate adjourned.

AFTERNOON.

Mr. Stevens introduced the following resolution:

Resolved, That the select committee on the bill relating to the Grand List, &c. be instructed to inquire into the expediency of so amending the law relative to the Grand List, as not to deduct the amount of the debts due from any person from his list."

Which was read and passed.

Mr. Camp called up the report of the Bank Commissioner, and on motion of Mr. Hatch it was referred to the Committee on Banks.

Mr. Hubbell, on his own motion, was discharged from further serving on the Committee raised on the subject of the Grand List.

(S. 18.) Mr. Bartlett, from the Committee on Finance, to whom was referred the "act relating to the fees of referees, auditors and witnesses," and the resolution relating to the same subject, reported said bill with amendments, and the bill, together with the amendments, was

On motion of Mr. Bartlett, laid on the table.

On motion of Mr. Cutts,
The Senate adjourned.

MONDAY, Oct. 24, 1842.

Prayer by the Chaplain.

The Journal of yesterday was read.

The President announced the appointment of Mr. Butler, on the select committee on the subject of the Grand List, in the place of Mr. Hubbell, excused.

(S. 28.) Mr. Cutts, from the Committee on Claims, to whom was referred the petition of Lebbeus Edgerton, reported a bill entitled "an act to pay Lebbeus Edgerton the sum therein mentioned,"

Which was read the first and second times, and
Ordered to be engrossed and read the third time.

(S. 29.) Mr. Dutton introduced a bill entitled "an act in addition to chapter 44 of the Revised Statutes,"

Which was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Wright presented the petition of James S. Merrill and others, praying for an amendment of the law relating to the trustee process,

Which was read, and referred to the Committee on the Judiciary.

(S. 6.) Mr. Cutts, from the Committee on Claims, to whom was referred the bill entitled "an act to pay the town of Alburgh the sum therein mentioned," reported the same, with the proposal to amend by striking out the words "eighty dollars and twenty-nine cents," and inserting in lieu thereof, the words "seventy-five dollars and sixty-six cents," and that thus amended, the bill ought to pass.

The Senate ordered the bill to be so amended, and on motion of Mr. Townsley, it was laid on the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House have passed a resolution providing for the election of a Senator to represent this State in the Congress of the United States, to supply the vacancy occasioned by the resignation of the Hon. Samuel Prentiss, in which they request the concurrence of the Senate.

The House have appointed Mr. Jones of Waitsfield, Mr. Parker and Mr. Carter, as the Committee, on their part, to examine into, and report the condition of the State Library.

(S. 25.) Mr. A. Allen, from the select committee to whom was referred the bill entitled "an act extending the jurisdiction of Justices of the Peace, in certain cases," reported the same, without amendment, and, on motion of Mr. Eaton, it was

Ordered to lie on the table.

A resolution from the House of Representatives, as follows :

Resolved, by the Senate and House of Representatives, That both Houses respectively, on Wednesday next, at ten o'clock, A. M. shall proceed to elect a Senator to represent this State in the Congress of the United States, to supply the vacancy caused by the resignation of the Hon. Samuel Prentiss, and that both Houses immediately thereafter shall convene in Joint Assembly, to complete said election.

Was read and passed in concurrence.

On motion of Mr. E. Allen,
 The Senate adjourned.

AFTERNOON.

(S. 30.) Mr. Dutton introduced a bill entitled "an act defining the 50th section of the 68th chapter of the Revised Statutes."

Which was read the first and second times and referred to the Committee on Manufactures.

Mr. Hubbell, from the Committee on Claims, asked that the committee be discharged from the further consideration of the petition of Lucius Sanderson.

Which was granted, and

On motion of Mr. Smalley,

The petition was referred to the Committee on Military Affairs.

The President laid before the Senate the petition of Richard F. Abbott, praying for remuneration for certain ropes belonging to petitioner, and alleged to have been used for the State.

Which was read and referred to the Committee on Claims.

(S. 31.) Mr. Briggs introduced a bill entitled "an act in relation to actions on scire facias."

Which was read the first and second times and referred to the Committee on the Judiciary.

The Senate took up the following engrossed bills:

(S. 26.) "An act to pay the persons therein named the sum therein mentioned," and

(S. 22.) "An act in addition to chapter 69 of the Revised Statutes."

Which were severally read the third time and passed; and

(S. 11.) "An act in addition to chapter 97 of the Revised Statutes."

Which was read the third time and

Ordered, To be recommitted to the Committee on the Judiciary.

Mr. Hatch introduced the following resolution:

Resolved, That the Committee on Military Affairs be directed to enquire what amount has been paid from the Treasury of this State for expenses incurred in protecting the frontier towns during the late insurrectionary troubles in Canada; and if such amount has been presented for allowance to the Government of the United States.

Which was read and passed.

(S. 8.) The Senate took into consideration the bill on the table, entitled "an act in addition to, and alteration of, chapters 28 and 103 of the Revised Statutes."

Mr. Plumb moved to amend the same by inserting after the words "Revised Statutes" in section 3 of said bill, the words "and an act in amendment of section 63d of chapter 28 of the Revised Statutes, passed Nov. 9, 1841."

On motion of Mr. Dillingham,

The said bill, with the amendment proposed, was

Ordered to lie on the table.

(S. 11.) Mr. Briggs, from the Committee on the Judiciary, to whom was recommitted the engrossed bill entitled "an act in addition to chapter 97 of the Revised Statutes," reported the same with a proposal to amend by striking out from section 2, the words "sheriff, sheriff's deputy."

Which amendment was adopted, and the bill as amended passed.

On motion of Mr. Camp,
The Senate adjourned.

TUESDAY, Oct. 25, 1842.

Prayer by the Chaplain.

The journal of yesterday was read.

(S. 32.) Mr. Hubbell introduced a bill entitled "an act for the benefit of Laura Elizabeth Moore and others."

Which was read the first and second times, and

Ordered to be engrossed and read the third time.

Mr. Butler, on his motion, was excused from service on the select committee on the subject of the Grand List.

(S. 33.) Mr. Field introduced a bill entitled "an act to pay Simeon Herrick the sum therein mentioned," which was read the first and second times, and referred to the Committee on Military Affairs."

(S. 35.) Mr. Eaton introduced a bill entitled "an act to pay Ebenezer W. Babcock the sum therein mentioned."

Which was read the first and second times, and referred to the Committee on Claims.

(S. 34.) Mr. Dutton introduced a bill entitled "an act defining the 4th and 6th clauses of the 1st section of the 47th chapter of the Revised Statutes."

Which was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Butler introduced the following resolution:

Resolved, That the select Committee on the Grand List, be instructed to inquire into the expediency of altering the listing law so as to give persons assessed for money on hand and debts due, the right of appeal to the select men of the town; also to make it the duty of every person wishing to exempt his personal property from taxation, to disclose to the listers, in writing, and on oath, the names of the persons to whom he is indebted, and also the names of those who are indebted to him, together with the amount of each debt.

Which was read and passed.

Mr. Porter introduced the following resolution:

Resolved, That the select Committee on the Grand List, be instructed to enquire into the expediency of so amending the law of last session relating to the Grand List, that attorneys, physicians, manufacturers, and mechanics, may be assessed for their faculty; and report by bill or otherwise.

Which was read and passed.

The Chair announced the appointment of Mr. Bartlett, as one of the Committee on the Grand List, in the place of Mr. Butler, excused.

(S. 36.) Mr. Field introduced the bill entitled "an act to alter the act relating to the Grand List."

Which was read the first and second times, and referred to the select Committee on the Grand List.

Mr. Hubbell introduced the following resolution:

Resolved, That the select Committee on the Grand List be instructed to inquire into the expediency of repealing the law of last session in relation to the Grand List, and report by bill, or otherwise.

Which was read and passed.

(S. 37.) Mr. Eaton introduced a bill entitled "an act relating to Banks."

Which was read the first and second times, and referred to the Committee on Banks.

Mr. Briggs, from the Committee on the Judiciary, to whom was referred the petition of Sylvester Phelps and Jedediah P. Ladd, praying compensation for a quantity of tobacco taken, seized, and condemned, under the Vermont non-intercourse act, in the year 1813, reported adversely to the prayer of petitioners, and recommended that they have leave to withdraw their petition.

Which was granted.

(S. 38.) Mr. Eaton introduced a bill entitled "an act constituting a Board of Education, and a general supervision of common schools."

Which was read the first and second times, and

Ordered to lie on the table, and that the Secretary procure it to be printed in connexion with the report of the Committee on the subject of Education.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT,—The House have passed a bill (H. 64,) entitled "an act to pay William Cutts the sum therein mentioned"; and a resolution relative to a day of Thanksgiving throughout the State, in which they request the concurrence of the Senate.

(S. 18.) On motion of Mr. Butler, the Senate took into consideration the bill and amendment on the table, entitled "an act relating to the fees of referees, auditors and witnesses."

Mr. Butler moved to amend the amendment by inserting the following: "Sec. 2. Witnesses used on the trial of any cause pending before referees or auditors, shall be entitled to the same fees as witnesses attending a justice's court."

Which amendment was rejected.

Mr. Camp moved to amend the amendment by striking out the word "four" and inserting the word "three" in lieu thereof.

Which amendment was rejected; whereupon,

On motion of Mr. Briggs,

Ordered that the further consideration of the bill be postponed indefinitely.

On motion of Mr. Plumb,

The Senate adjourned.

AFTERNOON.

(S. 6.) On motion of Mr. Sowles, the Senate took into consideration the bill entitled "an act to pay the town of Alburgh the sum therein mentioned," and it was

Ordered to be engrossed and read the third time.

The Senate took up the resolution from the House of Representatives, relating to a day of public Thanksgiving, and resolved not to concur in its passage.

Mr. Aiken presented the petition of Rufus W. Smith and others, and it was referred to the Committee on the Judiciary.

(H. 64.) The bill from the House of Representatives, entitled "an act to pay William Cutts the sum therein mentioned,"

Was read twice, and referred to the Committee on Claims.

(S. 28.) The Senate took up the engrossed bill entitled "an act to pay Lebbeus Edgerton the sum therein mentioned,"

And it was read the third time and passed.

(S. 32.) The engrossed bill entitled "an act for the benefit of Laura E. Moore and others,"

Was taken up, read the third time and passed

On motion of Mr. Sprague,

The Senate adjourned.

WEDNESDAY, OCT. 26, 1842.

Prayer by the Chaplain.

The journal of yesterday was read.

Mr. Bartlett asked to be excused from serving on the select committee raised on the subject of the Grand List, and he was excused.

(S. 39.) Mr. Sheldon introduced a bill entitled "an act in addition to chapter 21 of the Revised Statutes."

And it was read the first and second times, and referred to the Committee on Roads and Canals.

The President announced the appointment of Mr. Wright as one of the select committee on the Grand List, in the place of Mr. Bartlett, excused.

(S. 40.) Mr. Townsley introduced a bill entitled "an act for surveying and ascertaining the boundary line between the counties of Bennington and Windham."

And it was read the first and second times, and referred to a select committee composed of the Senators from Bennington and Windham Counties.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have passed bills of the following titles:
 (H. 17.) "An act annexing Johnson's Island to the town of St. Albans,"
 (H. 66.) "An act constituting Samuel F. Smith an heir at law of Harry Holden," and
 (H. 67.) "An act to credit the town of Manchester the sum therein mentioned,"

In which they request the concurrence of the Senate.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT,—I am directed to inform the Senate that the House of Representatives, in conformity with a concurrent resolution of both Houses, are ready, on their part, to proceed to ballot for a Senator to represent the State in the Congress of the United States, to supply the vacancy occasioned by the resignation of the Hon. Samuel Prentiss.

On motion of Mr. Camp,

Ordered, That a message be sent to the House of Representatives informing them that the Senate are ready, on their part, to proceed, in pursuance of the joint resolution of the two Houses, to ballot for a Senator to represent this State in the Congress of the United States for the unexpired term of the Hon. Samuel Prentiss, resigned.

Whereupon the Senate proceeded, in conformity with the joint resolution of the two Houses, to ballot for a Senator in Congress, to supply the vacancy caused by the resignation of the Hon. Samuel Prentiss; and, the ballots having been taken and examined, the

HON. SAMUEL C. CRAFTS,

was found to have a majority thereof, and to be duly elected on the part of the Senate.

On motion of Mr. Briggs,

Ordered, That a message be sent to the House of Representatives, informing them that the Senate, having, on their part, made choice of a Senator in Congress, to supply the vacancy occasioned by the resignation of the Hon. Samuel Prentiss, are now ready to meet the House in Joint Assembly, compare proceedings, and proceed to complete the election.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—I am directed to inform the Senate that the House, having made choice, on their part, of a Senator in Congress to supply the vacancy occasioned by the resignation of the Hon. Samuel Prentiss, are now ready to meet the Senate in Joint Assembly, to compare proceedings, and complete said election.

(S. 41.) Mr. Blodgett introduced a bill entitled "an act relating to highways,"

And it was read the first and second times, and referred to the Committee on Roads and Canals.

Mr. Camp introduced the following resolution :

Resolved, by the Senate and House of Representatives, That all documents, reports, and other papers transmitted to either House "for the use of the General Assembly," may be, by the two Houses respectively, referred to a joint committee of three Senators and three Representatives, to be appointed by the presiding officers of the two Houses respectively, who shall make their reports to that House from which the subject matter thereof was first ordered. Whenever any such document, report, or other paper, shall be, by either House, referred as aforesaid, the same, together with the notice of such order, shall be communicated by message to the other.

Which was read and passed.

(S. 42.) Mr. Butler introduced a bill entitled "an act relating to the taking of testimony."

And it was read the first and second times, and referred to the Committee on the Judiciary.

(S. 43.) Mr. A. Allen introduced a bill entitled "an act in addition to chapter 20 of the Revised Statutes,"

And it was read the first and second times, and referred to the Committee on Roads and Canals.

Mr. Butler introduced the following resolutions :

Resolved, by the Senate and House of Representatives, That our Senators and members in Congress be requested to use their influence in procuring the passage of a law refunding to General Andrew Jackson, the fine of one thousand dollars imposed on him by Judge Hall, in the city of New Orleans, A. D. 1815.

Resolved, That the Governor be requested to forward copies of the foregoing resolution to each of our Senators and Representatives in Congress.

And they were read.

Mr. Bartlett moved to lay the same on the table.

Mr. Briggs moved that the further consideration of the same be indefinitely postponed.

And, on this question, the yeas and nays having been demanded by Mr. Butler, are as follows :

The Senators who voted in the affirmative are,
Messrs. E. Allen, Barrett, Briggs, Camp, Cutts, Dutton, Eaton, Field, French, Munsill, Plumb, Porter, Sowles, Starr, and Townsley,—15.
Those Senators who voted in the negative are,
Messrs. Aiken, A. Allen, Bartlett, Bingham, Blodgett, Butler, Dilling-

ham, Green, Hatch, Hubbell, Sheldon, Smalley, Sprague, Stevens, Wright,—15.

And there appearing to be a tie, the Secretary took the casting vote of the President, who voted in the affirmative, and the resolutions were therefore indefinitely postponed.

The following communication was received from the Governor:

EXECUTIVE CHAMBER, }
Oct. 26, 1842. }

It becomes my duty to inform the Senate, that Julius Converse, Esq. who was recently elected State's Attorney for the county of Windsor, declines that office.

CHARLES PAINE.

To his Honor, WAITSTILL R. RANNEY,
President of the Senate.

The following bills from the House of Representatives, were severally taken up, read the first and second times, and referred as follows:

(H. 17.) "An act annexing Johnson's Island to the town of St. Albans," to a select committee composed of the Senators from Franklin County.

(H. 67.) "An act to credit the town of Manchester the sum therein mentioned," to the Committee on Finance, and

(H. 66.) "An act constituting Samuel F. Smith an heir-at-law of Harry Holden," to the Committee on the Judiciary.

(S. 35.) Mr. Plumb, from the Committee on Claims, to whom was referred the bill entitled "an act to pay Ebenezer W. Babcock the sum there in mentioned," reported the opinion of the Committee to be that the same ought not to pass.

And the third reading was denied.

(S. 6.) The Senate took into consideration the engrossed bill entitled "an act to pay the town of Alburgh the sum therein mentioned,

and it was read the third time and passed.

Mr. Starr, from the Committee on Banks, reported that the said Committee were of opinion that the report of the Bank Commissioner and of the Bank Inspector, which had been referred to them, ought to be printed, and recommended the printing of three hundred copies.

And it was

Ordered, That three hundred copies of said report be printed for the use of the General Assembly.

On motion of Mr. Starr,

The Senate adjourned.

AFTERNOON.

(S. 44.) Mr. Hatch introduced a bill entitled "an act in addition to an act relating to Banks,"

And it was read the first and second times, and referred to the Committee on Banks.

Mr. Hatch called up the following resolution, on the table, from the House of Representatives :

Resolved, by the Senate and House of Representatives, That our Senators in Congress be instructed, and our Representatives be requested to use their best exertions to procure the passage of a law of Congress reducing the pay and mileage of the members of both Houses of Congress to six dollars per diem, and three dollars for every twenty miles travel ; and that the Governor of this State be requested to furnish each of our Senators and Representatives with a copy of this resolution.

And on the question, will the Senate concur with the House in passing the resolution ? the yeas and nays having been demanded by Mr. Smalley, are as follows :

Those Senators who voted in the affirmative are,

Messrs. Aiken, Bartlett, Bingham, Blodgett, Butler, Dillingham, Field, Green, Hatch, Hubbell, Munsill, Sheldon, Smalley, Sprague, Stevens, and Wright—16.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Barrett, Briggs, Camp, Cutts, Dutton, Eaton, French, Plumb, Porter, Sowles, Starr, and Townsley—14.

So the resolution was passed in concurrence.

(H. 64.) Mr. Hubbell, from the Committee on Claims, to whom was referred the bill from the House of Representatives entitled "an act to pay William Cutts the sum therein mentioned," asked that the Committee be discharged from the further consideration thereof, and the said Committee were so discharged.

And the bill, on motion of Mr. Smalley, was referred to the Committee on Military Affairs.

On motion of Mr. Smalley,
The Senate adjourned.

THURSDAY, Oct. 27, 1842.

Prayer by the Chaplain.

The journal of yesterday was read.

(S. 45.) Mr. Bartlett introduced a bill entitled "an act relating to the Bank of Newbury."

And it was read the first and second times, and referred to the Committee on Banks.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House have passed bills of the following titles :

(H. 1.) "An act to repeal an act therein mentioned," and

(H. 84.) "An act to restore Moses Warner to his legal privileges," in which they request the concurrence of the Senate.

(S. 28.) The House concur with the Senate in passing the bill entitled "an act to pay Lebbeus Edgerton the sum therein mentioned," and in passing a resolution providing for the appointment of joint committees in certain cases.

The said bills from the House of Representatives were severally read twice and referred as follows :

(H. 1.) The bill entitled "an act to repeal an act therein mentioned," to the Committee on Military Affairs.

(H. 84.) The bill entitled "an act to restore Moses Warner to his legal privileges," to the Committee on the Judiciary.

(S. 42.) Mr. Briggs, from the Committee on the Judiciary, to whom was referred the bill entitled "an act relating to the taking of testimony," reported adversely to the passage of the same.

Mr. Hubbell offered the following amendment :

After the word "used" insert the words "in the trial of any civil cause or before any committee of elections."

Which amendment was adopted, and the bill as amended, was

Ordered, To be engrossed and read the third time.

(S. 16.) Mr. French, from the Committee on the Judiciary, to whom was referred the bill entitled "an act in addition to 'an act for the relief of the insane poor,'" reported the same with a proposal to amend by striking out the word "new" before the word "case," in the 6th line, and that so amended the bill ought to pass.

The amendment of the Committee was adopted.

Mr. Briggs moved to amend the bill by striking out the words "or cases," which amendment was adopted, and the bill as amended was

Ordered to be engrossed and read the third time.

Mr. Briggs, from the Committee on the Judiciary, reported against the prayer of the petition of James S. Merrill and others, and recommended that petitioners have leave to withdraw their petition.

Which leave was granted.

(S. 46.) Mr. Hubbell introduced a bill entitled "an act concerning recognizances."

Which was read twice and referred to the Committee on Finance.

(S. 47.) Mr. Smalley introduced a bill entitled "an act laying a tax on the County of Chittenden."

Which was read twice and referred to a select Committee of three Senators.

(S. 4.) Mr. Butler from the select Committee raised on the "act abolishing capital punishment," reported said bill with the opinion of a majority of said Committee that it ought to pass.

On motion of Mr. Starr,

Ordered that it be laid on the table and made the order of the day for Saturday morning.

(S. 48.) Mr. Sprague introduced a bill entitled "an act entitled *Mechanic's Liens.*"

Which was read twice and referred to the Committee on the Judiciary.

(S. 31.) Mr. Dillingham, from the Committee on the Judiciary, reported in favor of the bill entitled "an act relating to actions on *scire facias,*" and it was

Ordered to be engrossed and read the third time.

(S. 33.) Mr. Townsley, from the Committee on Military Affairs, reported the bill entitled "an act to pay Simeon Herrick the sum therein mentioned," and it was laid on the table.

(S. 34.) Mr. French, from the Committee on the Judiciary, reported the bill entitled "an act defining the 4th and 5th clauses of the 1st section of the 47th chapter of the *Revised Statutes.*" and it was

Ordered to be engrossed and read the third time.

On motion of Mr. Briggs,
The Senate adjourned.

AFTERNOON.

(H. 17.) Mr. Hubbell, from the select Committee raised on the bill entitled "an act annexing Johnson's Island to the town of St. Albans," reported the said bill without amendment, and it was read the third time and passed.

(S. 47.) The President announced the appointment of Mr. Dillingham, Mr. Briggs, and Mr. Eaton, as the select Committee on the bill entitled "an act laying a tax upon the County of Chittenden."

(H. 66.) Mr. Briggs, from the Judiciary Committee, to whom was referred the bill from the House of Representatives entitled "an act constituting Samuel F. Smith an heir at law of Harry Holden," reported the same without amendment, and it was read the third time and passed in concurrence.

(S. 42.) The Senate took into consideration the engrossed bill entitled "an act relating to the taking of testimony," and it was read the third time and passed.

(H. 64.) Mr. A. Allen, from the Committee on Military Affairs, to whom was referred the bill from the House, entitled "an act to pay William Cutts the sum therein mentioned," reported the same without amendment, and it was

Read the third time, and the question, shall the bill pass? decided in the negative.

(S. 38.) The Senate took up the bill on the table entitled "an act con-

stituting a board of education, and a general supervision of common schools," and it was referred to the Committee on Education.

(S. 2.) The Senate took into consideration the bill on the table, entitled "an act to repeal the 22d section, chapter 28 of the Revised Statutes," and

The third reading was denied.

(S. 25.) The Senate took up the bill on the table entitled "an act extending the jurisdiction of Justices of the Peace in certain cases,"

And on motion of Mr. A. Allen, it was laid on the table, and made the order of the day for to-morrow morning.

Mr. Munsill moved to reconsider the vote of yesterday on the resolution relative to the pay and mileage of members of Congress.

Mr. Blodgett called for the yeas and nays on the question of reconsideration, and they are as follows:

Those Senators who voted in the affirmative are,
Messrs. A. Allen, Barrett, Briggs, Camp, Cutts, Dutton, Eaton, Field, French, Munsill, Plumb, Porter, Sowles, Starr, and Townsley—15.

Those Senators who voted in the negative are,
Messrs. Aiken, Bartlett, Bingham, Blodgett, Butler, Dillingham, Green, Hatch, Hubbell, Sheldon, Sprague, Stevens, and Wright—13.

So the resolution was reconsidered, and

On motion of Mr. Munsill,

Ordered to lie upon the table.

The following bills from the House of Representatives were severally read the first and second times, and referred as follows:

(H. 6.) "An act in addition to chapter 29 of the Revised Statutes," to the Committee on the Judiciary.

(H. 50.) "An act in addition to 'an act to repeal part of chapter 90 of the Revised Statutes, approved November 3, 1841,'" to the Committee on Finance.

(H. 52.) "An act in addition to chapter 18 of the Revised Statutes," to the Judiciary Committee.

(H. 61.) The bill from the House of Representatives entitled "an act in alteration of an act altering the boundary line between Salisbury and Leicester," was read the first and second times, and

Ordered to lie upon the table.

On motion of Mr. Dillingham,

The Senate adjourned.

FRIDAY, Oct. 28, 1842.

Prayer by the Chaplain.

The Journal of yesterday was read.

Mr. Briggs, presented the petition of Thomas H. Palmer, and 194 others, inhabitants of the town of Pittsford, praying for legislative action on the subject of slavery.

Which was read and referred to a select committee of three senators.

(S. 49.) Mr. Briggs introduced a bill entitled "an act in addition to chapter 24 of the Revised Statutes,"

And it was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Blodgett presented the petition of William Maxham and others,

Which, without reading, was referred to the Committee on Roads and Canals.

(H. 67.) Mr. Camp, from the Committee on Finance, to whom was referred the bill from the House entitled "an act to credit the town of Manchester the sum therein mentioned," reported the same, without amendment, and it was read the third time, and passed in concurrence.

(S. 44.) Mr. Starr, from the Committee on Banks, to whom was referred the bill entitled "an act in addition to an act relating to banks," reported the opinion of the Committee to be that it ought not to pass.

And, on motion of Mr. Butler, it was laid upon the table.

(S. 50.) Mr. Bartlett introduced a bill entitled "an act to pay James Morse the sum therein mentioned."

And it was read the first and second times, and referred to the Committee on Military Affairs.

Mr. E. Allen, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, bills of the following titles:

(S. 28.) "An act to pay Lebbeus Edgerton the sum therein mentioned,"

(H. 66.) "An act constituting Samuel F. Smith an heir at law of Harry Holden," and

(H. 17.) "An act annexing Johnson's Island to the town of St. Albans."

(S. 37.) The Senate took into consideration the bill entitled "an act relating to Banks," and

On motion of Mr. Eaton, it was

Ordered to lie on the table.

Mr. Stevens, from the Committee on Military Affairs, reported the petition of Lucius Sanderson, with the opinion of the Committee that the prayer thereof ought not to be granted.

And on motion of Mr. Smalley it was laid on the table.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by his Excellency, the Governor, to inform the Senate that he has this day approved and signed a bill entitled

(S. 28.) "An act to pay Lebbeus Egerton the sum therein mentioned."

And I am also directed to communicate to the Senate a message in writing.

(H. 1.) Mr. A. Allen, from the Committee on Military Affairs, to whom was referred the bill from the House of Representatives entitled "an act

to repeal an act therein mentioned," reported the same without amendment, and it was read the third time and passed in concurrence.

Mr. Bartlett introduced the following resolution :

Resolved, That during the session of the Legislature, every Senator shall have free admission to the Senate Chamber, and that it is a breach of privilege for the Door Keeper to refuse admission to any Senator who may desire to take his seat in the Senate Chamber.

Which was read and passed.

On motion of Mr. Bartlett,
The Senate adjourned.

AFTERNOON.

The Senate took into consideration the following engrossed bills, and they were severally read the third time and passed.

(S. 16.) "An act in addition to an act for the relief of the insane poor,"

(S. 31.) "An act in relation to actions on scire facias," and

(S. 34.) "An act defining the 4th and 5th clauses of the 1st section of the 47th chapter of the Revised Statutes."

(H. 61.) Mr. Briggs called up the bill from the House of Representatives entitled "an act in alteration of an act altering the boundary line between Salisbury and Leicester," and it was

Read the third time, and passed in concurrence.

The following communication was received from the Governor :

EXECUTIVE CHAMBER, }
Oct. 28, 1842. }

By a resolution of the last General Assembly, the Executive was directed to appoint some person to enquire into the Claims this State might have against the General Government for services rendered during the Revolution. Under that resolution, I appointed Henry Stevens, Esq. of Barnet; and as the Legislature is now in session, I herewith transmit his report, that such action may be had upon it as may be deemed proper.

No appropriation was made by the last General Assembly to meet the expense of the investigation which has already been made, or to provide for its further continuance.

As the papers relating to our early Legislative proceedings are in a very loose state, I would recommend that they be properly collected and preserved.

CHARLES PAINE.

To his Honor, WAITSTILL R. RANNEY,
President of the Senate.

The report of Henry Stevens, Esq. accompanying the foregoing communication, was read and referred to the Joint Committee of the two Houses on Documents communicated to either House for the use of the General Assembly.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT,—The House do not concur with the Senate in passing the bill (S. 32,) entitled “an act for the benefit of Laura Elizabeth Moore and others.”

The Governor has announced to the House that he has this day approved and signed bills of the following titles :

(H. 17.) “An act annexing Johnson’s Island to the town of St. Albans,” and

(H. 66.) “An act constituting Samuel F. Smith an heir-at-law of Harry Holden.”

(S. 25.) The Senate took into consideration the bill on the table entitled “an act extending the jurisdiction of justices of the peace in certain cases.”

And on motion of Mr. Briggs, it was

Ordered, That the further consideration of the said bill be indefinitely postponed.

(S. 2.) On motion of Mr. Hubbell, the Senate reconsidered the vote by which the third reading of the bill entitled “an act to repeal the 22d section, chapter 58, of the Revised Statutes,” was refused, and on motion of Mr. Briggs, it was

Ordered to lie upon the table.

On motion of Mr. Stevens,

The Senate adjourned.

SATURDAY, Oct. 29, 1842-

Prayer by the Chaplain.

The journal of yesterday was read.

The President announced the appointment of the following Committees :

On the Joint Committee of the two Houses directed to be raised on Documents sent to either House for the use of the General Assembly, Messrs. Camp, Smalley, and Green.

On the petition of Thomas H. Palmer and 194 others, relating to slavery in the District of Columbia and elsewhere, Messrs. Briggs, A. Allen, and Sheldon ; and

On the Report of Henry Stevens, relative to claims of this State upon the General Government for services rendered during the war of the Revolution, Messrs. Camp, Smalley, and Green.

(H. 52.) Mr. Briggs, from the Committee on the Judiciary, to whom was referred the bill from the House entitled "an act in addition to chapter 18 of the Revised Statutes," reported the same without amendment, and it was

Ordered to lie upon the table.

(H. 50.) Mr. Bartlett, from the Committee on Finance, to whom was referred the bill from the House entitled "an act in addition to 'an act to repeal part of chapter 90 of the Revised Statutes, approved Nov. 3, 1841,'" reported the same without amendment, and it was read the third time and passed in concurrence.

Mr. Bartlett, from the same Committee, to whom was referred the resolution relative to reducing the salaries of Judges of the Supreme Court, and other officers, reported the opinion of the Committee to be that no legislative action is required thereon.

The following communication was received from the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

EXECUTIVE CHAMBER, }
Oct. 29, 1842. }

I have the honor to transmit to the Senate, for the use of the General Assembly, the Report of the Commissioners appointed to visit the University of Vermont; and also, by request, a copy of the proceedings of a Military Convention held in Montpelier on the 14th inst.

CHARLES PAINE.

To the Honorable W. R. RANNEY,
President of the Senate.

(S. 45.) Mr. Starr, from the Committee on Banks, to whom was referred the bill entitled "an act relating to the Bank of Newbury," reported the same without amendment.

And on the question, Shall the bill be engrossed and read the third time? the yeas and nays, having been demanded by Mr. Townsley, were as follows:

The Senators who voted in the affirmative are,
Messrs. Bartlett, Smalley, Sowles, Starr, and Stevens—5.

Those Senators who voted in the negative are,
Messrs. Aiken, A. Allen, E. Allen, Barrett, Bingham, Blodgett, Briggs, Butler, Camp, Cutts, Dillingham, Dutton, Eaton, Field, Green, Hatch, Hubbell, Munsill, Plumb, Porter, Sheldon, Sprague, Townsley, and Wright—24.

So the third reading was refused.

(S. 47.) Mr. Dillingham, from the select Committee, on the bill entitled "an act laying a tax upon the County of Chittenden," reported the same without amendment, and on motion of Mr. Smalley, it was

Ordered to be laid on the table, and made the order of the day for Wednesday morning.

Mr. Blodgett introduced the following resolution:

Resolved, That the Committee on Elections be instructed to make report this afternoon, of all the facts that have come to their knowledge, relating to any persons holding seats in this Senate, who were holding the office of Post Master in any town in this State, at the time of their election.

Which was read and passed.

(H. 6.) Mr. Dillingham, from the Committee on the Judiciary, to whom was referred the bill from the House entitled "an act in addition to chapter 29 of the Revised Statutes," reported adversely to the passage of the same, and

The third reading was denied.

(S. 40.) Mr. Townsley, from the select committee to whom was referred the bill entitled "an act for surveying and ascertaining the boundary line between the counties of Bennington and Windham," reported that the same ought to pass.

On motion of Mr. Briggs, it was

Ordered to lie upon the table.

Mr. A. Allen, from the Committee on Military Affairs, to whom was referred the resolution relating to expenses incurred by reason of the recent border difficulties, reported that

By an act, approved 29th, October, 1840, the town of Alburgh was paid	\$657 18
By an act, approved 11th November, 1841, Lawrence Brainerd was paid	51 28
By an act approved November 1st, 1841, Abel Drury was paid	300 00
By an act approved November 10, 1841, Thomas W. Fuller was paid	10 00

Making, in the aggregate, the sum of \$1618 43

And that the committee called upon the Governor and were informed that no application had been made to the General Government, to procure the allowance and payment "of any such amounts."

The report of the Commissioners appointed to visit the University of Vermont, accompanying the communication just read, from the Governor, was read, and,

On motion of Mr. Smalley,

Ordered to lie upon the table, and that the Secretary procure to be printed three hundred copies for the use of the General Assembly.

The proceedings of a Military Convention recently holden in Montpelier, also accompanying the communication of the Governor, was referred, without reading, to the Committee on Military Affairs.

On motion of Mr. Smalley,

Ordered, That when the Senate adjourn, it adjourn to meet at the usual hour on Monday morning.

On motion of Mr. Dillingham,
The Senate adjourned.

MONDAY, OCT. 31, 1842.

Prayer by the Chaplain.

The journal of yesterday was read.

On motion of Mr. Hatch, it was

Ordered, That the resolution relating to expenses incurred in protecting the frontier towns, with the report of the Committee on Military Affairs thereon, be recommitted to the said Committee, with instructions to report a joint resolution requesting His Excellency, the Governor, to cause the same to be presented to Congress for allowance.

(S. 51.) Mr. Sheldon introduced a bill entitled "an act to pay John S. Pettibone the sum therein mentioned,"

And it was read the first and second times, and referred to the Committee on Claims.

Mr. Townsley, from the Committee on Elections, to whom was referred the resolution relative to the case of any Senator's holding a seat in this body, who is holding an office under authority of Congress, made a report concluding with the opinion of the Committee that no such case exists: (See appendix.)

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have appointed Messrs. Van Sicklen, Gove and Fox, as the Committee on their part, on documents communicated to either House for the use of the General Assembly,

The House have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 65.) "An act to annex the town of Norton to the county of Essex,"

(H. 98.) "An act laying a tax on the lands in Wenlock,"

(H. 76.) "An act in amendment of an act laying a tax on the lands in Newark, approved November 11, 1841," and

(H. 86.) "An act to amend section 11, of chapter 16 of the Revised Statutes."

The House concur with the Senate in passing bills of the following titles:

(S. 22.) "An act in addition to chapter 69 of the Revised Statutes."

(S. 6.) "An act to pay the town of Alburgh the sum therein mentioned," and

(S. 42.) "An act relating to taking testimony."

(S. 52.) Mr. Hubbell introduced a bill entitled "an act in amendment of chapter 80 of the Revised Statutes."

And it was read the first and second times, and referred to the Committee on Banks.

(S. 53.) Mr. Dutton introduced a bill entitled "an act in addition to chapter 29 of the Revised Statutes."

And it was read the first and second times and referred to the Committee on the Judiciary.

(S. 54.) Mr. Barrett introduced a bill entitled "an act in amendment of chapter 29 of the Revised Statutes."

And it was read the first and second times, and referred to the Committee on the Judiciary.

On motion of Mr. Briggs, the Secretary was ordered to request of the House the return to the Senate of the bill (H. 6,) entitled "an act in addition to chapter 29 of the Revised Statutes," for their further consideration.

Mr. E. Allen submitted a motion in writing, that Mr. A. Allen be excused from attendance in the Senate from and after tomorrow morning.

And on motion of Mr. Briggs, it was

Ordered to lie on the table.

(S. 55.) Mr. Munsill introduced a bill entitled "an act in addition to, and explanation of, section 14 of chapter 1 of the Revised Statutes."

And it was read the first and second times and referred to the Committee on the Judiciary.

Mr. E. Allen, from the Committee on bills, reported that they did, on Saturday, submit to the Governor, for his approbation and signature, the following entitled bills:

(H. 1.) "An act to repeal an act therein mentioned."

(H. 61.) "An act in alteration of an act altering the boundary line between Salisbury and Leicester," and

(H. 67.) "An act to credit the town of Manchester the sum therein mentioned."

(S. 4.) The Senate took into consideration the order of the day, being the bill entitled "an act abolishing capital punishment," and the same was laid on the table.

(H. 86.) The Senate took up the bill from the House of Representatives entitled "an act to amend section 11 of chapter 16, of the Revised Statutes," and it was read twice and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT,—The House of Representatives concur with the Senate in the passage of the bill (S. 16) entitled "an act for the relief of the insane poor."

(H. 6.) I am directed by the House of Representatives to return to the Senate for their consideration the bill entitled "an act in addition to chapter 29 of the Revised Statutes," in pursuance of the request of the Senate.

(H. 6.) The Senate reconsidered the vote of Saturday, refusing the third reading of the bill from the House of Representatives entitled "an act in addition to chapter 29 of the Revised Statutes," and on motion of Mr. Briggs, it was recommitted to the Committee on the Judiciary.

Mr. Bartlett called up the report of the Committee appointed to examine the affairs of the Essex Bank, and it was referred to the Committee on Finance.

On motion of Mr. A. Allen,
The Senate adjourned.

MONDAY, OCT. 31, 1842.

Prayer by the Chaplain.

The journal of yesterday was read.

On motion of Mr. Hatch, it was

Ordered, That the resolution relating to expenses incurred in protecting the frontier towns, with the report of the Committee on Military Affairs thereon, be recommitted to the said Committee, with instructions to report a joint resolution requesting His Excellency, the Governor, to cause the same to be presented to Congress for allowance.

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MR. PRESIDENT:—The House have appointed Messrs. Van Sicklen, Gove and Fox, as the Committee on their part, on documents communicated to either House for the use of the General Assembly,

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On motion of Mr. Briggs, the Secretary was ordered to request of the House the return to the Senate of the bill (H. 6,) entitled "an act in addition to chapter 29 of the Revised Statutes," for their further consideration.

Mr. E. Allen submitted a motion in writing, that Mr. A. Allen be excused from attendance in the Senate from and after tomorrow morning.

And on motion of Mr. Briggs, it was
Ordered to lie on the table.

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(H. 1.) "An act to repeal an act therein mentioned."

(H. 61.) "An act in alteration of an act altering the boundary line between Salisbury and Leicester," and

(H. 67.) "An act to credit the town of Manchester the sum therein mentioned."

(S. 4.) The Senate took into consideration the order of the day, being the bill entitled "an act abolishing capital punishment," and the same was laid on the table.

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(H. 6.) I am directed by the House of Representatives to return to the Senate for their consideration the bill entitled "an act in addition to chapter 29 of the Revised Statutes," in pursuance of the request of the Senate.

(H. 6.) The Senate reconsidered the vote of Saturday, refusing the third reading of the bill from the House of Representatives entitled "an act in addition to chapter 29 of the Revised Statutes," and on motion of Mr. Briggs, it was recommitted to the Committee on the Judiciary.

Mr. Bartlett called up the report of the Committee appointed to examine the affairs of the Essex Bank, and it was referred to the Committee on Finance.

On motion of Mr. A. Allen,
The Senate adjourned.

AFTERNOON.

(S. 39.) Mr. Field, from the Committee on Roads and Canals, to whom was referred the bill entitled "an act in addition to chapter 21 of the Revised Statutes," reported that the same ought not to pass.

And the third reading was denied.

The Senate took into consideration the following entitled bills from the House of Representatives, which were severally read the first and second times, and referred as follows:

(H. 76.) "An act in amendment of an act laying a tax on the lands in Newark," approved November 11, 1841," and

(H. 98.) "An act laying a tax on the lands in Wenlock," to the Committee on Land Taxes, and

(H. 65.) "An act to annex the town of Norton to the county of Essex," to a select Committee of three Senators.

The President announced Messrs. Bingham, Camp, and Butler, as said Committee.

Mr. Butler, from the Committee on Elections, presented a minority report, on the subject of the resolution relating to any Senator's holding a seat in this body, who holds an office under the authority of Congress, concluding with the following resolutions:—(See Appendix.)

Resolved, That Alanson Allen, Esq. a Senator from the County of Rutland, was a Post Master at the time of his election to said office.

Resolved, Therefore, that the said Alanson Allen is not entitled to a seat in this Senate.

Which resolutions were read, and

On motion of Mr. Camp,

Ordered to lie upon the table.

(S. 56.) Mr. Camp introduced a bill entitled "an act defining the qualifications and rights of freemen, and for other purposes."

And it was read the first and second times and referred to the Committee on the Judiciary,

(S. 49.) Mr. Briggs, from the Committee on the Judiciary, to whom was referred the bill entitled "an act in addition to chapter 24 of the Revised Statutes," reported the same without amendment, and it was

Ordered to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The Governor has announced to the House, that he did, on Saturday last, approve and sign bills of the following titles:

(H. 1.) "An act to repeal an act therein mentioned."

(S. 54.) Mr. Barrett introduced a bill entitled "an act in amendment of chapter 29 of the Revised Statutes."

And it was read the first and second times, and referred to the Committee on the Judiciary.

On motion of Mr. Briggs, the Secretary was ordered to request of the House the return to the Senate of the bill (H. 6,) entitled "an act in addition to chapter 29 of the Revised Statutes," for their further consideration.

Mr. E. Allen submitted a motion in writing, that Mr. A. Allen be excused from attendance in the Senate from and after tomorrow morning.

And on motion of Mr. Briggs, it was
Ordered to lie on the table.

(S. 55.) Mr. Munsill introduced a bill entitled "an act in addition to, and explanation of, section 14 of chapter 1 of the Revised Statutes."

And it was read the first and second times and referred to the Committee on the Judiciary.

Mr. E. Allen, from the Committee on bills, reported that they did, on Saturday, submit to the Governor, for his approbation and signature, the following entitled bills:

(H. 1.) "An act to repeal an act therein mentioned."

(H. 61.) "An act in alteration of an act altering the boundary line between Salisbury and Leicester," and

(H. 67.) "An act to credit the town of Manchester the sum therein mentioned."

(S. 4.) The Senate took into consideration the order of the day, being the bill entitled "an act abolishing capital punishment," and the same was laid on the table.

(H. 86.) The Senate took up the bill from the House of Representatives entitled "an act to amend section 11 of chapter 16, of the Revised Statutes," and it was read twice and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT,—The House of Representatives concur with the Senate in the passage of the bill (S. 16) entitled "an act for the relief of the insane poor."

(H. 6.) I am directed by the House of Representatives to return to the Senate for their consideration the bill entitled "an act in addition to chapter 29 of the Revised Statutes," in pursuance of the request of the Senate.

(H. 6.) The Senate reconsidered the vote of Saturday, refusing the third reading of the bill from the House of Representatives entitled "an act in addition to chapter 29 of the Revised Statutes," and on motion of Mr. Briggs, it was recommitted to the Committee on the Judiciary.

Mr. Bartlett called up the report of the Committee appointed to examine the affairs of the Essex Bank, and it was referred to the Committee on Finance.

On motion of Mr. A. Allen,
The Senate adjourned.

AFTERNOON.

(S. 39.) Mr. Field, from the Committee on Roads and Canals, to whom was referred the bill entitled "an act in addition to chapter 21 of the Revised Statutes," reported that the same ought not to pass.

And the third reading was denied.

The Senate took into consideration the following entitled bills from the House of Representatives, which were severally read the first and second times, and referred as follows:

(H. 76.) "An act in amendment of an act laying a tax on the lands in Newark," approved November 11, 1841," and

(H. 98.) "An act laying a tax on the lands in Wenlock," to the Committee on Land Taxes, and

(H. 65.) "An act to annex the town of Norton to the county of Essex," to a select Committee of three Senators.

The President announced Messrs. Bingham, Camp, and Butler, as said Committee.

Mr. Butler, from the Committee on Elections, presented a minority report, on the subject of the resolution relating to any Senator's holding a seat in this body, who holds an office under the authority of Congress, concluding with the following resolutions:—(See Appendix.)

Resolved, That Alanson Allen, Esq. a Senator from the County of Rutland, was a Post Master at the time of his election to said office.

Resolved, Therefore, that the said Alanson Allen is not entitled to a seat in this Senate.

Which resolutions were read, and

On motion of Mr. Camp,

Ordered to lie upon the table.

(S. 56.) Mr. Camp introduced a bill entitled "an act defining the qualifications and rights of freemen, and for other purposes."

And it was read the first and second times and referred to the Committee on the Judiciary,

(S. 49.) Mr. Briggs, from the Committee on the Judiciary, to whom was referred the bill entitled "an act in addition to chapter 24 of the Revised Statutes," reported the same without amendment, and it was

Ordered to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The Governor has announced to the House, that he did, on Saturday last, approve and sign bills of the following titles:

(H. 1.) "An act to repeal an act therein mentioned."

(H. 61.) "An act in alteration of an act altering the boundary line between Salisbury and Leicester," and

(H. 67.) "An act to credit the town of Manchester the sum therein mentioned."

(S. 40.) The Senate took into consideration the bill entitled "an act for surveying and ascertaining the boundary line between the counties of Bennington and Windham."

And on the question, Shall the bill be engrossed and read the third time? the yeas and nays having been demanded by Mr. Camp, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Barrett, Blodgett, Cutts, Dutton, Munsill, Plumb, Sheldon, Sprague, Starr, Townsley, and Wright—11.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Bartlett, Bingham, Butler, Camp, Eaton, Field, Green, Hubbell, Porter, Sowles, and Stevens—13.

So the third reading was refused.

(S. 2.) The Senate took up the bill entitled "an act to repeal the 22d section of chapter 58 of the Revised Statutes," and it was ordered to be engrossed and read the third time.

(S. 33.) The bill entitled "an act to pay Simeon Herrick the sum therein mentioned," was taken up, and on motion of Mr. Munsill, it was indefinitely postponed.

(S. 44.) The Senate took into consideration the bill entitled "an act in addition to an act relating to Banks."

Mr. Butler offered the following amendment,—insert after the first section the following:

"Provided, That no Bank which shall have executed bonds to the treasurer of this State for the redemption of its bills and the refunding of its deposits, or which shall hereafter execute such bonds, agreeably to the provisions of the 39th section of the act to which this is in addition, approved Oct. 28, 1840," shall be subject to the tax aforesaid,"

And strike out the second section.

On motion of Mr. Camp,

The bill and amendments were laid on the table.

TUESDAY, NOV. 1, 1842.

Prayer by the Chaplain.

The journal of yesterday was read.

H

(S. 57.) Mr. Hatch, from the select committee on the Grand List, reported a bill entitled "an act in addition to an act relating to the Grand List, approved November 11, 1841,"

And it was read the first and second times, and

Ordered to lie upon the table, and made the order of the day for to-morrow morning.

(H. 76.) Mr. Barrett from the Committee on Land Taxes, to whom was referred the bill from the House of Representatives, entitled "an act in amendment of an act laying a tax on the lands in Newark, approved Nov. 11, 1841," (H. 98.) and "an act laying a tax on the lands in Wenlock," reported the same, without amendment, and they were severally read the third time and passed in concurrence.

(S. 29.) Mr. Briggs, from the Committee on the Judiciary, to whom was referred the bill entitled "an act in addition to chapter 44 of the Revised Statutes," reported the same without amendment.

Mr. Dutton moved to amend the same, by inserting in the second line of the first section, after the word "administrator," the words "or agent authorized by the Probate Court to take possession and charge of estate for absent heirs or legatees."

On motion of Mr. Munsill, the bill and amendment were

Ordered to lie upon the table.

(S. 58.) Mr. Blodgett introduced a bill entitled "an act in addition to chapter 21 of the Revised Statutes."

And it was read the first and second times and referred to the Committee on Roads and Canals.

On motion of Mr. A. Allen, the Senate reconsidered the vote of yesterday, by which the third reading was denied to the bill (S. 40) entitled "an act for surveying and ascertaining the boundary line between the counties of Bennington and Windham,"

And on motion of Mr. Townsley, the bill was

Ordered to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT—The House have passed bills of the following titles in which they request the concurrence of the Senate:

(H. 89.) "An act in addition to an act to incorporate the Windsor County Mutual Fire Insurance Company,"

(H. 108.) "An act to amend section 6 of chapter 83 of the Revised Statutes," and

(H. 113.) "An act relating to Banks."

Mr. Eaton introduced the following resolution:

Resolved, That the select committee raised on the subject of the Grand List be instructed to report a bill, which shall be a transcript of the listing law in force previous to that passed at the last session of the Legislature, providing in such bill, that the assessment of real estate made by the listers, the present year, shall be retained for the term of five years; and also that listers hereafter shall be required to take the oath required by the present law relative to the appraisal of real estate.

Which was read, and

Ordered to lie upon the table.

(H. 6.) Mr. Briggs, from the Committee on the Judiciary, to whom was referred the bill from the House entitled "an act in addition to chapter 29 of the Revised Statutes," reported the same, with a proposal of amendment, and

On motion of Mr. Butler, the bill and amendment proposed, were *Ordered* to lie upon the table.

Mr. E. Allen, from the Committee on Bills, reported that they have this day submitted to the Governor, for his approval and signature, bills of the following titles:

(S. 6.) "An act to pay the town of Alburgh the sum therein mentioned,"

(S. 22.) "An act in addition to chapter 69 of the Revised Statutes,"

(S. 42.) "An act relating to the taking of testimony,"

(S. 16.) "An act in addition to an act entitled an act for the relief of the insane poor;" and

(H. 50.) "An act in addition to an act to repeal part of chapter 90 of the Revised Statutes, approved Nov. 3, 1841."

The Senate took into consideration the following entitled bills from the House of Representatives, which were severally read the first and second times, and referred as follows:

(H. 113.) "An act relating to elections," and

(H. 108.) "An act to amend section 6 of chapter 83 of the Revised Statutes," to the Committee on the Judiciary.

(H. 89.) "An act in addition to an act to incorporate the Windsor County Mutual Fire Insurance Company," to the Committee on Roads and Canals.

(S. 4.) The bill entitled "an act abolishing capital punishment," was taken up, and made the order of the day for to-morrow morning.

(S. 49.) The Senate took up the bill entitled "an act in addition to chapter 24 of the Revised Statutes." Mr. Smalley offered to amend the same as follows: after the words "in the Court of Chancery" in the third line, insert "for the foreclosure of any mortgage."

On motion of Mr. Hubbell, the bill and amendment were laid on the table.

Mr. Townsley called up the report and resolutions submitted yesterday by the minority of the Committee on Elections, relating to the right of Mr. Alanson Allen, Senator from Rutland, to a seat in the Senate, and proposed to amend the first resolution by inserting the word "not" after the word "is."

On motion of Mr. Dillingham, the resolutions and amendment were laid on the table.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—His Excellency, the Governor, has this day approved and signed bills of the following titles:

(S. 6.) "An act to pay the town of Alburgh the sum therein mentioned."

(S. 16.) "An act in addition to an act for the relief of the insane poor."

(S. 42.) "An act relating to taking testimony," and

(S. 22.) "An act in addition to chapter 69 of the Revised Statutes."

On motion of Mr. Dillingham,
The Senate adjourned.

AFTERNOON.

Mr. Sowles, from the Committee on Agriculture, to whom was referred the resolution relative to a bounty on wheat, reported the opinion of the Committee to be that no legislation is advisable thereon.

(S. 2.) The Senate took into consideration the engrossed bill entitled "an act to repeal the 22d section, chapter 28 of the Revised Statutes," and it was read the third time and passed.

Mr. French, from the Committee on the Judiciary, to whom was referred the petition of Moses Warner, praying to be restored to his legal privileges, and the bill from the House (H. 84,) entitled "an act to restore Moses Warner to his legal privileges," reported the said bill without amendment, and it was read the third time and passed in concurrence.

(S. 44.) The Senate took into consideration the bill entitled "an act in addition to an act relating to Banks," and adopted the following amendment to the first section:

"Provided that no bank which shall have executed bonds to the Treasurer of this state for the redemption of its bills, and the refunding of its deposits, or which shall hereafter execute such bonds, agreeably to the provisions of the 39th section of the act to which this is an addition, approved Oct. 28, 1840, shall be subject to the tax aforesaid"; and to strike out the whole of the second section.

The said amendment was adopted.

On motion of Mr. Townsley, the bill and amendment were laid on the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House concur with the Senate in the passage of the bill (S. 11,) entitled "an act in addition to chapter 97 of the Revised Statutes."

(H. 50.) The Governor has announced to the House that he has approved and signed the bill entitled "an act in addition to 'an act to repeal part of chapter 90 of the Revised Statutes,' approved Nov. 3, 1841."

I am directed to communicate to the Senate sundry documents which have been transmitted to the House for the use of the General Assembly.

A message in writing was received from the Governor, by Mr. Hale, Secretary of Civil and Military Affairs, which is as follows:

EXECUTIVE CHAMBER, }
Nov. 1, 1842. }

I have the honor to inform the Senate that a vacancy has occurred in the first Brigade and first Division of the Militia of this State, by the resignation and honorable discharge of Brigadier General John M. Potter.

CHARLES PAINÉ,

To his Honor, WAITSTILL R. RANNEY,
President of the Senate.

(S. 37.) The bill entitled "an act relating to Banks," was taken up, and the question, Shall the bill be engrossed and read the third time? was decided in the negative.

The reports and other documents communicated by the House, were referred to the Committee on Finance.

(H. 65.) Mr. Bingham, from the select Committee, to whom was referred the bill entitled "an act to annex the town of Norton to the County of Essex," reported the same without amendment, and it was read the third time and passed in concurrence.

(S. 40.) Mr. Townsley called up the bill entitled "an act for surveying and ascertaining the boundary line between the Counties of Bennington and Windham," and offered to amend the same by adding thereto the following proviso:

"Provided, That no action shall be had in the premises until the assent of the towns of Wilmington, Searsburgh, Stratton, and Sunderland, (in their corporate capacity) shall be had, a copy of which assent shall be made and certified by the several town clerks, and forwarded to one or more of the Committee appointed by this act."

Which amendment was adopted, and the bill as amended was *Ordered* to be engrossed and read the third time.

On motion of Mr. Sowles,
The Senate adjourned,

WEDNESDAY, NOV. 2, 1842.

Prayer by the Chaplain.

The journal of yesterday was read.

Mr. Sheldon introduced the following resolution:

Resolved, by the Senate and House of Representatives, That both Houses meet in Joint Assembly, on Friday next, at 10 o'clock A. M., for the purpose of filling the vacancy in the first Brigade, first Division of the Militia of this State, occasioned by the resignation of Brigadier General John M. Potter.

Which was read and passed.

(S. 43.) Mr. Smalley, from the Committee on Roads and Canals, to whom was referred the bill entitled "an act in addition to chapter 20 of the Revised Statutes," reported the same without amendment, and it was *Ordered* to be engrossed and read the third time.

The report of the Commissioners appointed to visit the University of Vermont, and the report of the Committee on Education were taken up and, on motion of Mr. Camp, referred to the Committee on Education.

(H. 89.) Mr. Field, from the Committee on Roads and Canals, to whom was referred the bill from the House entitled "an act in addition to an act to incorporate the Windsor County Mutual Fire Insurance Company," reported the same without amendment, and it was read the third time and passed in concurrence.

(H. 6.) Mr. Butler called up the bill from the House entitled "an act in addition to chapter 29 of the Revised Statutes," together with the amendments proposed by the Committee on the Judiciary; and the said bill and amendments were considered by the Senate, on the demand of Mr. Briggs, as in Committee of the Whole.

The Committee of the whole having made progress, reported certain amendments to the said bill, and they were adopted; and the bill, as amended, was

Ordered to be read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have passed a resolution providing for a Joint Assembly to elect a Bank Inspector, and Bank Committee for the year ensuing; and a resolution relative to widows' pensions, in which they request the concurrence of the Senate.

(S. 47.) The Senate took into consideration the order of the day, being the bill entitled "an act laying a tax upon the County of Chittenden," and it was

Ordered to be engrossed and read the third time.

(S. 29.) Mr. Munsill called up the bill entitled "an act in addition to chapter 44 of the Revised Statutes," and Mr. Dutton, on leave, withdrew the amendment proposed by him.

The Senate considered the said bill as in Committee of the Whole, and having made progress therein, reported an amendment which was adopted, and the bill

Ordered, To be engrossed and read the third time.

Mr. Briggs presented the petition of Jacob D. Mitchell and others, and on his motion, it was referred, without reading, to the Committee on Military Affairs.

(S. 55.) Mr. Briggs, from the Committee on the Judiciary, to whom were referred the bills entitled "an act in addition to and explanation of section 14 of chapter 1 of the Revised Statutes," and

(S. 56.) "An act defining the qualifications and rights of freemen, and for other purposes," reported the same, and asked that the Committee be discharged from the further consideration thereof.

Which was granted, and the said bills, respectively, were

Ordered to lie upon the table.

(S. 60.) Mr. Sprague introduced a bill entitled "an act defining the limits of jail yards," and a bill entitled

(S. 59.) "An act in addition to chapter 28 of the Revised Statutes."

And they were severally read the first and second times, and referred to the committee on the Judiciary.

(H. 86.) Mr. Briggs, from the Committee on the Judiciary, to whom was referred the bill from the House entitled "an act to amend section 11 of chapter 16 of the Revised Statutes," reported the same without amendment.

On motion of Mr. Eaton, the said bill was
Ordered to be recommitted for the purpose of amendment.

(S. 8.) The Senate took into consideration the bill entitled "an act in addition to, and alteration of, chapters 28 and 103 of the Revised Statutes," together with the amendments proposed.

And on motion of Mr. Briggs, it was
Ordered to be recommitted.

(S. 57.) The Senate took up the order of the day, being the bill entitled "an act in addition to "an act relating to the Grand List," approved Nov. 11, 1841."

And on motion of Mr. Hubbell, it was again
Ordered to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House have passed a bill (H. 15.) entitled "an act to divide the State into Congressional Districts," in which they request the concurrence of the Senate.

(S. 20.) The House concur with the Senate in passing a bill entitled "an act to pay the persons therein named the sums therein mentioned."

(H. 15.) The Senate took up the bill from the House entitled "an act to divide the State into Congressional Districts," and it was read the first and second times, and

On motion of Mr. Briggs,
Ordered to lie upon the table and be made the order of the day for this afternoon.

The Senate adjourned.

AFTERNOON.

The Senate took up the following resolution from the House :

Resolved, by the Senate and House of Representatives, That both Houses meet in joint assembly on Friday next, at 10 o'clock A. M., to elect a Bank Inspector, and Bank Committee for the year ensuing.

And it was read and passed in concurrence.

The Senate took into consideration the following resolutions from the House :

Resolved, by the Senate and House of Representatives, That our Senators in Congress be instructed, and our Representatives requested, to use their influence and exertions to pass a law to continue in force, for five years, the act of Congress of 1838, granting pensions to widows of Revolutionary officers and soldiers, who were married prior to January 1794.

Resolved, That the Governor be requested to furnish each of our delegates in Congress with a copy of the above resolution.

And said resolutions were read, and

On motion of Mr. Briggs,
Ordered to lie on the table.

(H. 86.) Mr. Briggs, from the Committee on the Judiciary, to whom was recommitted the bill from the House entitled "an act to amend section 11 of chapter 16 of the Revised Statutes," reported the same with proposals of amendment, as follows:

Add to the title of the bill, the words "relating to the support and removal of paupers."

Strike out from section 1 the words "section 11 of chapter 16 of the Revised Statutes is so amended to read as follows:"

Strike out from section 1 the word "said," in the 4th line.

Insert in section 1, after the word "chapter," in 5th line, the words "16 of the Revised Statutes."

Which proposed amendments were severally adopted, and the bill, as amended, passed in concurrence.

(H. 108.) Mr. Dillingham, from the Judiciary Committee, to whom was referred the bill from the House entitled "an act to amend section 6 of chapter 83 of the Revised Statutes," reported the same with a proposal to amend, by striking out all after the enacting clause and inserting the following:

"Sec. 1. The several County Courts within their respective Counties, and the City Court of the City of Vergennes, within the limits of said city, at any stated or adjourned term, may in their discretion grant licenses to such persons as shall make application therefor, to be retailers of foreign and domestic distilled spirits or either, on payment of the assessment provided in said chapter.

"Sec. 2. The eleventh section of chapter 83 of the Revised Statutes is hereby repealed."

Also to strike out from the title of said bill, the words "to amend section 6."

The said amendments were adopted, and the bill, as amended, was read the third time and passed in concurrence.

(S. 6.) Mr. Camp, from the Committee on Finance, to whom was referred the report of the Auditor of Accounts, reported a bill entitled "an act relating to public accounts,"

And it was read the first and second times, and

Ordered to lie upon the table.

Mr. Hubbell called up the resolution introduced by Mr. Eaton relative to the Grand List, and proposed to amend the same by striking out all after the word *Resolved*, and insert as follows:

"That the select committee upon the Grand List be instructed to report a bill to repeal the general listing law of the last session of the Legislature."

On motion of Mr. Hatch, the resolution and amendment proposed, were

Ordered to lie upon the table, and be made the order of the day for tomorrow morning.

Mr. Blodgett called up the resolutions reported by the minority of the Committee on Elections, relative to the right of Mr. A. Allen to a seat in this Senate; the question being on the amendment proposed by Mr. Townsley, of inserting the word "not" after the word "was," in the first resolution:

Mr. Townsley withdrew his proposed amendment and offered the following:—Strike out all after the word "Resolved," and insert as follows:—
 "That Alanson Allen, Esq. heretofore Postmaster at Fairhaven, having, previous to the first Tuesday in September last, sent to the General Post Office Department his resignation of the office of Postmaster; having delivered over the books and papers pertaining to said office, and having surrendered all control over said office, as well as ceased to claim or enjoy its privileges, was, on said first Tuesday of September, eligible to a seat in the Senate; and having been duly elected is therefore entitled to a seat."

On motion of Mr. Briggs, the resolution and proposed amendment were *Ordered* to lie upon the table.

(S. 61.) Mr. Dillingham introduced a bill entitled, "an act relating to the Bank of Windsor."

And it was read the first and second times and referred to the Committee on Banks.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed certain resolutions relative to the Asylum for the education of the Deaf and Dumb at Hartford, Connecticut, and to a meeting of the two Houses to witness an exhibition of the pupils of that Institution.

The House concur with the Senate in passing a resolution providing for a Joint Assembly to elect a Brigadier General to supply the vacancy occasioned by the resignation of Brigadier General John M. Potter.

The following resolutions from the House of Representatives were taken up and passed in concurrence:

Resolved, by the Senate and House of Representatives, That our sympathies and aid, as citizens and legislators, are eminently due to that unfortunate class of our fellow beings who are cut off from the blessings of hearing and speech.

Resolved, That this Legislature regard with peculiar interest the Institution for the education of the Deaf and Dumb, at Hartford, Connecticut, inasmuch as it is partly endowed by this State with a fund for the relief of our own citizens.

Resolved, therefore, That Mr. Lewis Wild, the principal of the American Asylum for the Deaf and Dumb, at Hartford, Connecticut, be invited to appear before the two Houses, in the Hall of Representatives, with his pupils, tomorrow afternoon at half past 2 o'clock, and make such exhibition of their progress and improvement as he may deem proper.

On motion of Mr. Starr,
 The Senate adjourned.

THURSDAY, Nov. 3, 1842.

Prayer by the Chaplain.

The journal of yesterday was read.

Mr. E. Allen introduced the following resolution:

Resolved, by the Senate and House of Representatives, That the General Assembly adjourn on Thursday next, at 6 o'clock A. M., without day.

Which was read, and Mr. Camp moved that the same be ordered to lie.

The motion was lost.

Mr. Dillingham moved to amend by striking out the word "Thursday," and inserting the word "Friday."

Which amendment was adopted, and the resolution as amended was

Ordered to lie upon the table, and be made the order of the day for Saturday morning.

Mr. E. Allen called up the motion to discharge Mr. A. Allen from service in the Senate from and after tomorrow morning, and it was adopted.

Mr. A. Allen, from the Committee on Military Affairs, to whom was re-committed with instructions, the resolution relative to expenses incurred in defending the frontier towns of this State during the late border difficulties, made a report concluding with the following resolution:

Resolved, by the Senate and House of Representatives, That His Excellency the Governor be requested to make application to the Congress of the United States, at their next session, for a remuneration of the sum of ten hundred and ninety-four dollars and nine cents, being the amount expended by this State in defending our frontier towns in the late border difficulties with Canada.

And the said resolution was read and passed.

Mr. Sprague introduced the following resolution:

Resolved, That the select Committee on the Grand List be requested to enquire into the expediency of so amending the Listing Law as to set in the list all notes and other obligations due the several banks in this State over and above their capital stock actually paid in.

And it was read and passed.

(H. 15.) The Senate, as in Committee of the Whole, considered the bill from the House of Representatives entitled "an act to divide the State into Congressional Districts," and, having made progress therein, reported the same without amendment.

Mr. Hubbell offered to amend the bill as follows:

Strike out all after the enacting clause and insert—

"Sec. 1. That for the purpose of electing Representatives in the Congress of the United States, the State shall be divided into four districts, each of which shall elect one Representative, being an inhabitant of the same district, in the manner hereinafter provided.

"Sec. 2. The said four districts shall be as follows, to wit:

"The Counties of Bennington, Rutland, and Addison, shall constitute one district, and be called District Number One.

"The Counties of Windham and Windsor shall constitute one district, and be called District Number Two.

"The Counties of Orange, Washington, Caledonia, and Essex, shall constitute one district, and be called District Number Three.

"The Counties of Chittenden, Franklin, Grand Isle, Orleans, and Lamoille shall constitute one district, and be called District Number Four.

"Sec. 4. This act shall take effect from its passage."

And on the question, Will the Senate adopt the amendment proposed? the yeas and nays having been demanded, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Aiken, Bartlett, Bingham, Blodgett, Butler, Dillingham, Green, Hatch, Hubbell, Sheldon, Smalley, Sprague, Stevens, and Wright—14.

Those Senators who voted in the negative are,

Messrs. E. Allen, Barrett, Briggs, Camp, Cutts, Dutton, Eaton, Field, French, Munsill, Plumb, Porter, Sowles, Starr, Townsley—15.

So the amendment was rejected.

Mr. Butler moved the following amendment:

Strike out all after the enacting clause and insert as follows:

"Sec. 1. That for the purpose of electing Representatives in the Congress of the United States, the State shall be divided into four districts, each of which shall elect one Representative, being an inhabitant of the same district, in the manner hereinafter provided.

"Sec. 2. The said four districts shall be as follows, to wit:—The Counties of Bennington, Rutland and Addison, and the towns of Warren and Roxbury, in the County of Washington, shall constitute one district, and be called Number One.

"Sec. 3. The Counties of Windham and Windsor, and the towns of Thetford, Strafford and Tunbridge, in the County of Orange, shall constitute one district, and be called Number Two.

"Sec. 4. The Counties of Chittenden, Grand Isle, Franklin, Lamoille, and all the towns in the County of Orleans, excepting the towns of Greensboro', Glover, Barton and Westmore, in said County of Orleans, shall constitute one district, and be called Number Three.

"Sec. 5. The County of Orange, excepting the towns of Thetford, Strafford and Tunbridge, the County of Washington, excepting the towns of Warren and Roxbury, the Counties of Caledonia and Essex, and the towns of Greensboro', Glover, Barton and Westmore, in the County of Orleans, shall constitute one district, and be called District Number Four.

"Sec. 6. This act shall take effect from its passage."

And on the question, Will the Senate adopt the amendment proposed? the yeas and nays having been demanded by Mr. Butler, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Aiken, Bartlett, Bingham, Blodgett, Butler, Dillingham, Green, Hatch, Hubbell, Sheldon, Smalley, Sprague, Stevens, and Wright—14.

Those Senators who voted in the negative are,

Messrs. E. Allen, Barrett, Briggs, Camp, Cutts, Dutton, Eaton, Field, French, Munsill, Plumb, Porter, Sowles, Starr, and Townsley—15.

So the amendment was lost.

Mr. Smalley moved that the bill lie upon the table and be made the order of the day for tomorrow morning.

Which motion was lost.

Mr. Hubbell moved that the bill lie upon the table and be made the order of the day for this afternoon.

The Chair decided the motion of Mr. Hubbell to be not in order; and from this decision Mr. Dillingham took an appeal.

And on the question, Shall the decision of the Chair stand as the judgment of the Senate? the yeas and nays were taken and are as follows:

Those Senators who voted in the affirmative are,
Messrs. E. Allen, Briggs, Camp, Cutts, Dutton, Eaton, Field, French, Munsill, Plumb, Porter, Sheldon, Sowles, Starr, and Townsley—15.

Those Senators who voted in the negative are,
Messrs. Aiken, Barrett, Bartlett, Bingham, Blodgett, Butler, Dillingham, Green, Hatch, Hubbell, Smalley, Sprague, Stevens, and Wright—14.

So the decision of the Chair was affirmed.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT,—The House of Representatives concur with the Senate in their amendments to the bill (H. 108,) entitled "an act to amend section 6 of chapter 83 of the Revised Statutes."

(H. 116.) The House have passed a bill entitled "an act in amendment of 'an act to incorporate the President, Directors and Company of the Bank of Poultney,'" in which they request the concurrence of the Senate.

On motion of Mr. Sprague,
The Senate adjourned.

AFTERNOON.

(S. 52.) Mr. Starr, from the Committee on Banks, to whom was referred the bill entitled "an act in addition to chapter 18 of the Revised Statutes," reported adversely to the passage of the same, and it was

Ordered to lie upon the table.

(S. 61.) Mr. Starr, from the same Committee, reported the bill entitled "an act relating to the Bank of Windsor," with a proposal of amendment, and the bill and amendment were

Ordered to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed bills of the following titles in which they request the concurrence of the Senate:

(H. 111.) "An act in addition to 'an act to incorporate the Bennington County Mutual Fire Insurance Company.'"

(H. 116.) "An act in addition to chapter 102 of the Revised Statutes."

(H. 127.) "An act in amendment of chapter 102 of the Revised Statutes."

(H. 129.) "An act laying a tax on the lands in Bradleyvale."

(H. 94.) "An act relating to the United States deposit money," and

(H. 95.) "An act in addition to 'an act establishing the County Grammar School of the County of Caledonia, in the town of Peacham,' passed Oct. 27, 1795."

A message from the Governor by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—His Excellency the Governor has this day approved and signed the bill (S. 11,) entitled "an act in addition to chapter 97 of the Revised Statutes."

(S. 63.) Mr. Munsill introduced a bill entitled "an act in addition to chapter 20 of the Revised Statutes."

And it was read twice and referred to the Committee on Roads and Canals.

(S. 64.) Mr. Cutts introduced a bill entitled "an act in alteration of section 6, chapter 57 of the Revised Statutes."

And it was read twice and referred to the Committee on the Judiciary.

(H. 6.) The Senate took up the bill from the House of Representatives entitled "an act in addition to chapter 29 of the Revised Statutes," and on motion of Mr. Briggs, it was committed to a Senator for amendment by the addition of the following section:

"Sec. 10. When an execution shall issue against any trustee, and the same shall be duly returned unsatisfied, an *alias* execution may be issued against the body of such trustee."

And the bill was reported thus amended, and passed in concurrence.

(H. 116.) The Senate took into consideration the bill from the House entitled "an act in amendment of 'an act to incorporate the President, Directors and Company of the Bank of Poultney,'" and it was read twice and

Ordered to lie upon the table.

(S. 47.) The Senate took up the engrossed bill entitled "an act laying a tax on the County of Chittenden," and it was read the third time and passed.

Mr. E. Allen, from the Committee on Bills, reported that they had presented to the Governor, for his approval and signature, bills of the following titles:

(H. 76.) "An act in amendment of an act laying a tax on the lands in Newark, approved November 11, 1841."

(S. 11.) "An act in addition to chapter 97 of the Revised Statutes."

(H. 98.) "An act laying a tax on the lands in Wenlock."

(H. 52.) "An act in addition to chapter 18 of the Revised Statutes."

(H. 65.) "An act to annex the town of Norton to the County of Essex."

(H. 84.) "An act to restore Moses Warner to his legal privileges."

(H. 89.) "An act in addition to 'an act to incorporate the Windsor County Mutual Fire Insurance Company.'"

The Senate adjourned.

FRIDAY, NOV. 4, 1842.

Prayer by the Chaplain.

The Journal of yesterday was read.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The Governor has announced to the House that he did, on yesterday, approve and sign the following entitled bills :

(H. 89.) "An act in addition to an act to incorporate the Windsor County Mutual Fire Insurance Company."

(H. 84.) "An act to restore Moses Warner to his legal privileges."

(H. 65.) "An act to annex the town of Norton to the County of Essex."

(H. 98.) "An act laying a tax on the lands in Wenlock."

(H. 76.) "An act in amendment of an act laying a tax on the lands in Newark, approved Nov. 11, 1841," and

(H. 52.) "An act in addition to chapter 18 of the Revised Statutes."

The House have passed a resolution providing for the distribution of volume 13 of Vermont Reports; a resolution relative to the right of Henry Stowell to hold the office of a Commissioner of the Deaf, Dumb, and Blind; and a bill (H. 123,) entitled "an act in addition to chapter 41 of the Revised Statutes," in which they request the concurrence of the Senate.

The House concur with the Senate in passing the resolution relative to the claims of Vermont upon the General Government; and in passing the following entitled bills :

(S. 31.) "An act in relation to actions of Scire Facias," and

(S. 34.) "An act defining the 4th and 5th clauses of the 1st section of the 47th chapter of the Revised Statutes."

The Senate took up the following entitled bills from the House of Representatives, and they were severally read the first and second times and referred as follows :

(H. 16.) "An act in addition to chapter 102 of the Revised Statutes,"

(H. 111.) "An act in addition to 'an act to incorporate the Bennington County Mutual Fire Insurance Company,'" and

(H. 127.) "An act in amendment of chapter 102 of the Revised Statutes," to the Committee on the Judiciary.

(H. 129.) "An act laying a tax on the lands in Bradleyvale," to the Committee on Land Taxes.

(H. 94.) "An act relating to the United States deposit money," to the Committee on Finance; and

(H. 95.) "An act in addition to 'an act establishing the County Grammar School of the County of Caledonia, in the town of Peacham,' passed Oct. 27, 1795," to the Committee on Education.

(S. 65.) Mr. Briggs, introduced a bill entitled "an act in addition to an act to incorporate the Goshen Turnpike Company."

And it was read the first and second times, and referred to the Committee on Roads and Canals.

Mr. Smalley presented the petition of A. B. Shepard and 91 others, praying that the further collection of the School Fund may be suspended.

And it was read and referred to the Committee on Finance.

Mr. French introduced the following resolution:

Resolved, by the Senate and House of Representatives, That the Commissioner of the School Fund be directed to suspend the collection of the demands due from individuals to said fund, upon receiving the interest due thereon, and ample security, to the satisfaction of said Commissioner, that the interest shall be paid annually, and the principal in four years.

And it was read and passed.

(S. 66.) Mr. Smalley introduced a bill entitled "an act fixing the time of holding the County Courts in the Counties of Chittenden and Lamoille."

And it was read the first and second times and referred to the Committee on the Judiciary.

(S. 67.) Mr. Smalley introduced a bill entitled "an act altering the third and fifth Judicial Circuits."

And it was read the first and second times, and referred to the Committee on the Judiciary.

(S. 4.) The Senate took into consideration the order of the day, being the bill entitled "an act abolishing capital punishment," and, without acting thereon,

On motion of Mr. Starr,

The Senate adjourned.

AFTERNOON.

(S. 68.) Mr. Briggs introduced a bill entitled "an act in addition to chapter 19 of the Revised Statutes, relating to the instruction of the Deaf, Dumb and Blind."

And it was read the first and second times and referred to the Committee on Finance.

Mr. Sowles, from the Committee on Agriculture, to whom was referred the resolution relative to a geological survey of the State, reported a bill (S. 69.) entitled "an act providing for a geological survey of the State."

And it was read the first and second times, and

Ordered to lie upon the table.

(S. 13.) Mr. Butler called up the bill on the table entitled "an act altering the name of Gilman Sinclair," and it was

Ordered to be engrossed and read the third time.

Messrs. E. Allen, Barrett, Briggs, Camp, Cutts, Dutton, Eaton, Field, French, Munsill, Plumb, Porter, Sowles, Starr, and Townsley—15.

Those Senators who voted in the negative are,

Messrs. Aiken, Bartlett, Bingham, Blodgett, Butler, Dillingham, Green, Hatch, Hubbell, Sheldon, Smalley, Sprague, Stevens, Wright—14.

So the bill was ordered to be read the third time.

And on the question, Shall the bill pass? the yeas and nays having been demanded by Mr. Hubbell, are as follows:

Those Senators who voted in the affirmative are,

Messrs. E. Allen, Barrett, Briggs, Camp, Cutts, Dutton, Eaton, Field, French, Munsill, Plumb, Porter, Sowles, Starr, and Townsley—15.

Those Senators who voted in the negative are,

Messrs. Aiken, Bartlett, Bingham, Blodgett, Butler, Dillingham, Green, Hatch, Hubbell, Sheldon, Smalley, Sprague, Stevens, and Wright—14.

So the bill passed.

Mr. Blodgett called up the resolution relating to the right of Mr. Alanson Allen, Senator from Rutland, to a seat on the floor of the Senate, and on motion of Mr. Blodgett, the said resolution was laid on the table and made the order of the day for Tuesday morning next.

A message from the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—His Excellency, the Governor, has this day approved and signed bills of the following titles:

(S. 20.) "An act to pay the persons therein named the sums therein mentioned."

(S. 31.) "An act in relation to actions of scire facias."

(S. 34.) "An act defining the 4th and 5th clauses of the first section of the 47th chapter of the Revised Statutes."

The Chair announced as the Committee on the resolution from the House, relating to the eligibility of certain officers, Messrs. Briggs, Bartlett and Dutton.

On motion of Mr. Bartlett,
The Senate adjourned.

AFTERNOON.

Mr. E. Allen, from the Committee on Bills, reported that they had this day presented to the Governor for his approbation and signature bills of the following titles:

(S. 34.) "An act defining the 4th and 5th clauses of the 1st section of the 47th chapter of the Revised Statutes."

(S. 31.) "An act in relation to actions of scire facias."

(S. 20.) "An act to pay the persons therein named the sum therein mentioned."

(S. 13.) The engrossed bill entitled "an act altering the name of Gilman Sinclair," was taken up and passed.

(S. 70.) Mr. Smalley introduced a bill entitled "an act to pay Zadock Thompson the sum therein mentioned."

And it was read the first and second times, and referred to the Committee on Education.

(S. 71.) Mr. Camp introduced a bill entitled "an act in relation to the Militia."

On his motion, the rules were suspended, and the bill was read the first and second times by its title, and

Ordered to lie upon the table.

(H. 127.) Mr. Dillingham, from the Committee on the Judiciary, to whom was referred the bill from the House entitled "an act in amendment of chapter 102 of the Revised Statutes," reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 16.) Mr. Dillingham, from the same Committee, to whom was referred the bill from the House entitled "an act in addition to chapter 102 of the Revised Statutes," reported adversely to the passage of the same.

And the third reading was denied.

Mr. Hubbell called up the resolution relative to adjournment.

Mr. Eaton moved to amend the same by striking out the words "at six o'clock A. M."

And the amendment was adopted, and the resolution

Ordered to lie upon the table.

The following resolution from the House, to wit:

Resolved, by the Senate and House of Representatives, That Henry Stow all, Postmaster at Cambridge, was not constitutionally eligible to the office of Commissioner of the Deaf, Dumb and Blind, at the time of his last election, and has had no right to perform the duties of such Commissioner, during the past year.

Was taken up, read, and referred to a select Committee of three Senators.

The following resolution from the House was taken up:

Resolved, by the Senate and House of Representatives, That the Librarian be directed to deliver to the Representative of each town in this State one copy of the 13th volume of the Vermont Reports for the use of said town, and take his receipt therefor.

And it was read and passed in concurrence.

(H. 128.) The Senate took into consideration the bill from the House entitled "an act in addition to chapter 41 of the Revised Statutes," and it was read the first and second times and referred to the Committee on the Judiciary.

(H. 15.) The Senate took up the unfinished business of yesterday, being the bill from the House entitled "an act to divide the State into Congressional Districts."

And on the question, Shall the bill be read the third time? the yeas and nays having been demanded by Mr. Hubbell, were as follows:

Those Senators who voted in the affirmative are,

Messrs. E. Allen, Barrett, Briggs, Camp, Cutts, Dutton, Eaton, Field, French, Munsill, Plumb, Porter, Sowles, Starr, and Townsley—15.

Those Senators who voted in the negative are,

Messrs. Aiken, Bartlett, Bingham, Blodgett, Butler, Dillingham, Green, Hatch, Hubbell, Sheldon, Smalley, Sprague, Stevens, Wright—14.

So the bill was ordered to be read the third time.

And on the question, Shall the bill pass? the yeas and nays having been demanded by Mr. Hubbell, are as follows:

Those Senators who voted in the affirmative are,

Messrs. E. Allen, Barrett, Briggs, Camp, Cutts, Dutton, Eaton, Field, French, Munsill, Plumb, Porter, Sowles, Starr, and Townsley—15.

Those Senators who voted in the negative are,

Messrs. Aiken, Bartlett, Bingham, Blodgett, Butler, Dillingham, Green, Hatch, Hubbell, Sheldon, Smalley, Sprague, Stevens, and Wright—14.

So the bill passed.

Mr. Blodgett called up the resolution relating to the right of Mr. Alanson Allen, Senator from Rutland, to a seat on the floor of the Senate, and on motion of Mr. Blodgett, the said resolution was laid on the table and made the order of the day for Tuesday morning next.

A message from the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—His Excellency, the Governor, has this day approved and signed bills of the following titles:

(S. 20.) "An act to pay the persons therein named the sums therein mentioned."

(S. 31.) "An act in relation to actions of scire facias."

(S. 34.) "An act defining the 4th and 5th clauses of the first section of the 47th chapter of the Revised Statutes."

The Chair announced as the Committee on the resolution from the House, relating to the eligibility of certain officers, Messrs. Briggs, Bartlett and Dutton.

On motion of Mr. Bartlett,
The Senate adjourned.

AFTERNOON.

Mr. E. Allen, from the Committee on Bills, reported that they had this day presented to the Governor for his approbation and signature bills of the following titles:

(S. 34.) "An act defining the 4th and 5th clauses of the 1st section of the 47th chapter of the Revised Statutes."

(S. 31.) "An act in relation to actions of scire facias."

(S. 20.) "An act to pay the persons therein named the sum therein mentioned."

(H. 86.) "An act to amend section 11 of chapter 16 of the Revised Statutes, relating to the support and removal of paupers."

(H. 108.) "An act in alteration of chapter 83 of the Revised Statutes."

Mr. Green asked leave of absence from and after Monday morning next.

Which was granted by the Senate.

(H. 111.) Mr. Briggs, from the Committee on the Judiciary, to whom was referred the bill from the House of Representatives entitled "an act in addition to 'an act to incorporate the Bennington County Mutual Fire Insurance Company,'" reported the same without amendment, and it was read the third time and passed in concurrence.

(S. 53.) Mr. Briggs, from the same Committee, reported the bill entitled "an act in addition to chapter 29 of the Revised Statutes," and the bill (S. 54,) entitled "an act in amendment of chapter 29 of the Revised Statutes," with the opinion of said Committee that the same ought not to pass.

And on his motion, the said bills were indefinitely postponed.

(S. 15.) Mr. Camp, from the Committee on Finance, reported adversely to the passage of the bill entitled "an act relating to claims," and the question, Shall the bill be engrossed and read the third time? was decided in the the negative.

(S. 19.) Mr. Camp, from the same Committee, to whom was referred the bill entitled "an act relating to tax certificates," and the bill (S. 46,) entitled "an act concerning recognizances," reported adversely to the passage thereof, and the further consideration of the said bills was indefinitely postponed.

(H. 113.) Mr. French, from the Committee on the Judiciary, reported the bill from the House entitled "an act relating to elections," with the opinion of the Committee that the same ought not to pass, and it was laid on the table.

(S. 72.) Mr. Bartlett, from the Committee on Finance, to whom was referred the report of the Commissioners appointed to examine and report the condition of the Essex Bank, reported a bill entitled "an act in amendment of chapter 80 of the Revised Statutes."

Which was read twice and

Ordered to be engrossed and read the third time.

(H. 94.) Mr. Camp, from the Committee on Finance, to whom was referred the bill from the House entitled "an act relating to the United States deposit money," reported the same with a proposal to amend its title by inserting after the word "to" the words "the trustees of."

Which amendment was adopted, and the bill was

Ordered to lie upon the table.

(S. 73.) Mr. Eaton, from the Committee on Education, to whom was referred the report of the Committee appointed by the Governor to investigate the affairs of the University of Vermont, reported a bill entitled "an act directing the Commissioner of the School Fund to cancel demands against the University of Vermont."

Which was read twice, laid on the table, and made the order of the day for Monday afternoon next.

Mr. Hubbell called up the resolution introduced by Mr. Eaton, relative

to the Grand List, and on motion of Mr. Plumb, it was indefinitely postponed.

(S. 61.) Mr. Cutts called up the bill entitled "an act relating to the Bank of Windsor," with the amendment proposed thereto, and the said amendment was adopted, and the bill as amended, was

Ordered to be engrossed and read the third time.

The following bills from the House of Representatives were taken up, severally read twice, and referred to the Committee on the Judiciary:

(H. 90.) "An act altering the name of Elvira Patterson and constituting her heir at law of Osee F. and Huldah Allen," and

(H. 122.) "An act in alteration of chapter 107 of the Revised Statutes, in relation to jurors' fees."

(S. 41.) The Senate took up the engrossed bill entitled "an act relating to highways," and it was read the third time and passed.

(H. 116.) The bill from the House entitled "an act in amendment of 'an act to incorporate the President, Directors and Company of the Bank of Poultney,'" was read the third time and passed in concurrence.

The resolution from the House relating to the pensions of widows of Revolutionary officers and soldiers, was taken up and referred to the Committee on Finance.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT,—The Governor has announced to the House of Representatives that he has this day approved and signed bills of the following titles:

(H. 86.) "An act to amend section 11 of chapter 16 of the Revised Statutes," and

(H. 108.) "An act to amend section 6 of chapter 83 of the Revised Statutes."

The House do not concur with the Senate in passing a resolution relating to the collection of the School Fund.

(S. 55.) The Senate took up the bill entitled "an act in addition to and explanation of section 14 of chapter 1 of the Revised Statutes," and the question, Shall the bill be engrossed and read the third time? was decided in the negative.

(S. 56.) The Senate, as in Committee of the whole, considered the bill entitled "an act defining the qualifications and rights of freemen, and for other purposes," and having made progress therein, the Committee rose and reported the bill to the Senate, and on motion of Mr. Bartlett, it was laid on the table.

The Senate adjourned.

MONDAY, NOV. 7, 1842.

Prayer by the Chaplain.

The Journal of yesterday was read.

Mr. Hubbell introduced the following resolutions :

Whereas the Legislature of this State did, at the last session, resolve, that the tariff laws as then existing, were defective and insufficient ; and

Whereas the Legislature did further resolve, that our Senators in Congress be instructed, and our Representatives requested, to use all honorable means in their power to procure the passage of laws, which, while they should guard against the numerous frauds and evasions thus practised upon us by foreigners and foreign agents, and while they should raise a revenue sufficient only for the necessary expenses of Government, and should have a due regard to the particular interests of every section of our country, might give, by protective duties, such a preference to domestic over foreign products in our own markets, and might so discriminate between those articles which we could, and those we could not, produce at home, as to give a just, sure, and salutary, encouragement to the industry of every American citizen ; and

Whereas, the tariff law of the last session of Congress, does not, in the opinion of this Legislature, afford such protection to the domestic products of Vermont, over foreign, especially upon our principal staple, wool, as was contemplated by said resolutions,—therefore,

Resolved, by the Senate and House of Representatives, That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means in their power to procure such a modification of said tariff law as shall more effectually protect the wool growing interest of Vermont.

Resolved, That His Excellency the Governor be requested to forward a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

And they were read, and, the motion to lie upon the table being rejected, Mr. Cutts moved that the said resolutions be referred to the select Committee on the resolutions from other States.

And on the question, Will the Senate so refer? the yeas and nays, having been demanded by Mr. Hubbell, were as follows:

Those Senators who voted in the affirmative are :

Messrs. E. Allen, Barrett, Briggs, Camp, Cutts, Dutton, Eaton, Field, French, Plumb, Porter, Sowles, Starr, and Townsley—14.

Those Senators who voted in the negative are,

Messrs. Aiken, Bartlett, Bingham, Butler, Green, Hatch, Hubbell, Sheldon, Smalley, Sprague, Stevens and Wright—12.

So the motion of Mr. Cutts prevailed.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House have passed a resolution relative to the adjournment of the General Assembly, and bills of the following titles :

(H. 149.) "An act to amend section 23 of chapter 21 of the Revised Statutes."

(H. 22.) "An act in alteration of section 2 of chapter 21 of the Revised Statutes."

(H. 134.) "An act to continue in force and in amendment of an act laying a tax on lands in Goshen."

(H. 106.) "An act in amendment of 'an act laying a tax on the lands in Avery's Gore in Addison County,'" and

(H. 131.) "An act to amend 'an act to incorporate the President, Directors and Company of the Bank of Montpelier,'" in which they request the concurrence of the Senate.

(S. 74.) Mr. Plumb introduced a bill entitled "an act in alteration of chapter 83 of the Revised Statutes."

Which was read the first and second times, and referred to the Committee on Finance.

(S. 75.) Mr. Bartlett introduced a bill entitled "an act to repeal the 16th section of chapter 1 of the Revised Statutes."

Which was read the first and second times and

Ordered to lie upon the table.

(S. 76.) Mr. Starr introduced a bill entitled "an act relating to the preservation of fur."

And it was read the first and second times, and referred to the Committee on Agriculture.

The following resolution from the House:

Resolved, by the Senate and House of Representatives, That the two Houses adjourn, without day, on Friday the 11th day of November inst., at 5 o'clock A. M.

Was read, and on motion of Mr. Eaton, amended by striking out the words "at 5 o'clock A. M.," and, thus amended, passed in concurrence.

The following bills from the House were taken up, read the first and second times, and severally referred as follows:

(H. 149.) "An act to amend section 23 of chapter 21 of the Revised Statutes," and

(H. 22.) "An act in alteration of section 2 of chapter 21 of the Revised Statutes," to the Committee on Roads and Canals.

(H. 106.) "An act in amendment of an act laying a tax on the lands in Avery's Gore in Addison county," and

(H. 134.) "An act to continue in force, and in amendment of an act laying a tax on the lands in Goshen," to the Committee on Land Taxes, and

(H. 131.) "An act to amend an act to incorporate the President, Directors and Company of the Bank of Montpelier," to the Committee on Banks.

The following engrossed bills were taken up, severally read the third time and passed:

(S. 40.) "An act for surveying and ascertaining the boundary line between the Counties of Bennington and Windham,"

(S. 43.) "An act in addition to chapter 20 of the Revised Statutes,"

(S. 29.) "An act in addition to chapter 44 of the Revised Statutes,"

(S. 61.) "An act relating to the Bank of Windsor," and

(S. 72.) "An act in amendment of chapter 80 of the Revised Statutes."

Mr. Briggs, from the select committee on the resolution from the House of Representatives relative to the right of Henry Stowell, to hold the of-

vice of a Commissioner of the Deaf, Dumb and Blind, reported (see appendix) adversely to the passage of the resolution, in concurrence with the House.

And the said resolution was

Ordered to lie on the table.

(S. 56.) The Senate, as in Committee of the Whole, considered the bill entitled "an act defining the qualifications and rights of freemen, and for other purposes," and having made progress therein, reported the same.

And on motion of Mr. Sprague,

The Senate adjourned.

AFTERNOON.

(H. 106.) Mr. Barrett, from the Committee on Land Taxes, to whom were referred the bills from the House of Representatives entitled "an act in amendment of an act laying a tax on the Lands in Avery's Gore in Addison County," and (H. 134) "an act to continue in force, and in amendment of an act laying a tax on the lands in Goshen," reported the same without amendment, and they were

Ordered to lie upon the table.

(S. 66.) Mr. French, from the Committee on the Judiciary, to whom were referred the bills entitled "an act for fixing the time for holding the County Courts in the Counties of Chittenden and Lamoille," and (S. 67.) "an act altering the third and fifth Judicial Circuits," reported the same, without amendment, and they were, severally,

Ordered to be engrossed and read the third time.

(S. 65.) Mr. Field, from the Committee on Roads and Canals, to whom was referred the bill entitled "an act in addition to 'an act to incorporate the Goshen Turnpike Company,'" reported the same without amendment, and it was

Ordered to be engrossed and read the third time.

(S. 76.) Mr. Sowles, from the Committee on Agriculture, to whom was referred the bill entitled "an act relating to the preservation of Fur," reported adversely to the passage of the same, and, on motion of Mr. Briggs, it was indefinitely postponed.

(S. 63.) Mr. Smalley, from the Committee on Roads and Canals, to whom was referred the bill entitled "an act in addition to chapter 20 of the Revised Statutes," reported adversely to the passage of the same; and, it was, on his motion,

Ordered to lie upon the table.

Mr. Smalley, from the Committee on Roads and Canals, to whom was referred the resolution of inquiry, relative to laying out roads through unorganized towns and Gores of land, reported the opinion of the Committee to be that no legislative action is required thereon.

(S. 58.) Mr. Field, from the Committee on Roads and Canals, to whom

was referred the bill entitled "an act in alteration of chapter 21 of the Revised Statutes," reported the same, with the proposition to amend by filling the blank in the same, with the words "eighteen cents," and that thus amended, the bill ought to pass.

The amendment was adopted, and the bill, as amended,
Ordered to be engrossed and read the third time.

(H. 122.) Mr. Briggs, from the Judiciary Committee, to whom was referred the bill from the House entitled "an act in alteration of chapter 107 of the Revised Statutes, in relation to Juror's fees," reported the same, and

The third reading was refused.

(H. 90.) Mr. Briggs, from the same Committee, to whom was referred the bill from the House entitled "an act altering the name of Elvira Paterson, and constituting her heir-at-law of Osee F. and Huldah Allen," reported the same, with the proposition to amend by adding the following proviso to the second section thereof:

"*Provided*, That the said Osee F. and Huldah Allen, shall within one year from the passing of this act, make and subscribe their consent to the provisions of this act, and lodge the same in the town clerk's office in Craftsbury, and cause the same to be there recorded."

The amendment proposed was adopted, and the bill, thus amended, was read the third time and passed in concurrence.

(S. 50.) Mr. Stevens, from the Committee on Military Affairs, to whom was referred the bill entitled "an act to pay James Morse the sum therein mentioned," reported the same, and the blank was filled with the sum "137 45," and

The bill rejected.

Mr. E. Allen, from the Committee on Bills, reported that they had this day presented to the Governor, for his approval and signature, bills of the following titles:

(H. 129.) "An act laying a tax on the lands in Bradley Vale,"

(H. 15.) "An act to divide the state into Congressional Districts," and

(H. 127.) "An act in amendment of chapter 102 of the Revised Statutes."

On motion of Mr. Hubbell, the vote of the Senate concurring with the House in passing the resolution relative to the adjournment of the General Assembly, was reconsidered.

Mr. Hubbell moved to reconsider the vote adopting the amendment of Mr. Eaton, striking out the words "at 5 o'clock, A. M."

And the vote was reconsidered; and the question being, will the Senate adopt the amendment? the yeas and nays being demanded by Mr. Eaton, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Aikin, Barrett, Bingham, Blodgett, Camp, Dillingham, Dutton, Eaton, Hatch, Smalley, Sprague and Stevens—12.

Those Senators who voted in the negative are,

Messrs. E. Allen, Bartlett, Briggs, Butler, Cutts, Field, French, Hubbell, Plumb, Porter, Sheldon, Sowles, Starr, Townsley and Wright—15.

So the amendment was rejected.

Mr. Eaton moved to lay the resolution upon the table, and that it be made the order of the day for Wednesday morning next; and on this motion of Mr. Townsley demanded the yeas and nays, which are as follows:

Those Senators who voted in the affirmative are,
Messrs. Barrett, Bartlett, Blodgett, Butler, Camp, Dillingham, Eaton,
French, Hatch, Smalley, Sprague, Stevens.—12.

Those Senators who voted in the negative are,
Messrs. Aiken, E. Allen, Bingham, Briggs, Cutts, Dutton, Field, Hub-
bell, Munsill, Plumb, Porter, Sheldon, Sowles, Starr, Townsley and Wright
—16.

So the motion was lost.

And the question being, will the Senate concur with the House in
passing the resolution; the yeas and nays, being demanded by Mr. Camp,
were as follows:

Those Senators who voted in the affirmative are,
Messrs. Aiken, E. Allen, Barrett, Bartlett, Bingham, Briggs, Butler,
Cutts, Dutton, Field, Hatch, Hubbell, Munsill, Plumb, Porter, Sheldon,
Smalley, Sowles, Starr, Townsley and Wright.—21.

Those Senators who voted in the negative are,
Messrs. Blodgett, Camp, Dillingham, Eaton, French, Sprague, and Ste-
vens.—7.

So the resolution was passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their
Clerk:

MR. PRESIDENT: I am directed to communicate to the Senate, sundry
documents relative to the State Prison, heretofore transmitted to the
House of Representatives, by His Excellency the Governor, for the use
of the General Assembly.

The Governor has announced to the House that he has this day approv-
ed and signed bills of the following titles:

(H. 127.) "An act in amendment of Chapter 102 of the Revised Stat-
utes."

(H. 116.) "An act in amendment of an act to incorporate the President,
Directors and Company of the Bank of Poultney."

(H. 111.) "An act in addition to an act to incorporate the Bennington
County Mutual Fire Insurance Company."

(H. 129.) "An act laying a tax on the lands in Bradley Vale."

(H. 15.) "An act to divide the State into Congressional Districts."

(S. 56.) The Senate took up the unfinished business, being the bill en-
titled "an act defining the qualifications and rights of freemen, and for
other purposes," and having made progress therein, rose and reported the
same, with sundry propositions of amendment, which were adopted.

Mr. Barrett moved to insert, in section 5, after the words "selectmen,"
the words "any number of,"

Which was adopted.

On motion of Mr. Butler the sixth section was stricken out.

Mr. Dillingham moved to amend by adding to the 4th section, as fol-
lows:

"Nor shall any such student be permitted to vote in any town, where
such school, academy, seminary or college is situated, unless he has a
residence in such town other than that of a student residing there for the
purposes of education."

And the amendment was adopted, and the bill, as amended

Ordered to be engrossed and read the third time.

(S. 62.) The Senate took into consideration the bill on the table entit-

led "an act relating to Public Accounts," and having considered the same as in Committee of the Whole, rose and reported progress, and the bill was

Ordered to lie upon the table.

Mr. Briggs introduced the following resolution:

Resolved, That during the remainder of the session, the Senate meet at 6 1-2 o'clock P. M., in addition to the usual times of meeting.

Which was read and passed.

On motion of Mr. Hubbell,
The Senate adjourned.

TUESDAY, NOV. 8, 1842

Prayer by the Chaplain.

The journal of yesterday was read.

(S. 21.) Mr. Dillingham, from the Committee on the Judiciary, to whom was referred the bill entitled "an act for the relief of Salma Davis and others," reported the same with a proposal to fill the blank therein with the sum of "\$842," and the recommendation that the bill pass.

And the blank was so filled, and the bill

Ordered to be engrossed and read the third time.

(S. 14.) Mr. Dillingham, from the same Committee, reported the bill entitled "an act in addition to chapter 24 of the Revised Statutes," and moved that the further consideration thereof be indefinitely postponed.

And it was so ordered.

Mr. Briggs called up the report on the table, relative to the right of Henry Stowell to perform the duties of a Commissioner of the Deaf, Dumb and Blind, for the year 1841-2.

And the question, Will the Senate concur with the House in passing the resolutions? was decided in the negative.

Mr. Sprague introduced the following resolution:

Resolved, That the Committee on the Grand List be requested to enquire into the expediency of so amending the listing law taxing bank stock as to include corporations who are owners, as well as individuals.

And it was read and passed.

Mr. Starr, from the select Committee on the resolutions and documents from other States, communicated by the Governor, made a report (see Appendix,) on the resolutions of the Legislature of the State of New York, relative to reducing the rates of postage, and abridging the franking privilege, concluding with the following resolutions:

Resolved, by the Senate and House of Representatives of the State of Vermont, That they do concur in the said resolutions of the Legislature of the State of New York; and that our Senators and Representatives in Congress be respectfully requested to use their best endeavors to procure a reform in the Post Office laws in conformity with the above views.

Resolved, That the Executive of this State be respectfully requested to transmit copies of the foregoing report and resolutions to the Senators and Representatives of this State in Congress, and also to the Executives of our sister States, with the view to their being laid before their respective legislative bodies.

And the said resolutions were passed.

(S. 5.) Mr. Butler, from the select Committee, to whom was referred the bill entitled "an act relating to the punishment of capital crimes," reported the same without amendment, and on motion of Mr. Briggs, it was

Ordered to lie upon the table.

(H. 131.) Mr. Sowles, from the Committee on Banks, to whom was referred the bill from the House of Representatives entitled "an act to amend an act to incorporate the President, Directors and Company of the Bank of Montpelier," reported the same, with the proposal to amend the same by inserting, after the words "fifty thousand dollars," the words "instead of the sum, seventy-five thousand dollars, as provided in the act to which this is an amendment."

And the amendment was adopted, and the bill, as amended, passed in concurrence.

(S. 69.) Mr. Sowles called up the bill entitled "an act providing for a geological survey of this State."

Mr. Hatch offered the following amendment to section 4:

"Provided, that no money shall be expended for the purpose aforesaid, until the amount the State is now owing is paid."

And the amendment was rejected.

Mr. Sprague moved that the further consideration of the bill be indefinitely postponed, and on this question, demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,
Messrs. Blodgett, Butler, Hatch, Sprague, Stevens, and Wright—6.

Those Senators who voted in the negative are,

Messrs. Aiken, E. Allen, Barrett, Bingham, Briggs, Cutts, Dutton, Eaton, Field, French, Munsill, Plumb, Porter, Sheldon, Smalley, Sowles, and Starr—17.

So the motion was lost, and the bill was

Ordered to be engrossed and read the third time.

On motion of Mr. Sowles, the rules were suspended, and the bill was read the third time.

And on the question, Shall the bill pass? the yeas and nays, being demanded by Mr. Blodgett, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Aiken, E. Allen, Barrett, Briggs, Cutts, Dutton, Eaton, Field, French, Munsill, Plumb, Porter, Sheldon, Smalley, Sowles, and Starr—16.

Those Senators who voted in the negative are,

Messrs. Blodgett, Butler, Hatch, Sprague and Wright—5.

So the bill passed.

(S. 58.) The Senate took up the engrossed bill entitled "an act in alteration of chapter 21 of the Revised Statutes," and it was read the third time and passed.

(S. 67.) The Senate took up the engrossed bill entitled "an act altering the third and fifth judicial circuits," and it was read the third time.

And on the question, Shall the bill pass? the yeas and nays, being demanded by Mr. Butler, were as follows:

Those Senators who voted in the affirmative are,
Messrs. E. Allen, Barrett, Bartlett, Blodgett, Briggs, Cutts, French, Hubbell, Munsill, Plumb, Porter, Sheldon, Smalley, Sowles, Starr, and Stevens—16.

Those Senators who voted in the negative are,
Messrs. Aiken, Bingham, Butler, Camp, Eaton, Hatch, Sprague, Wright—8.

So the bill passed.

(S. 66.) The Senate took up the engrossed bill entitled "an act fixing the time for holding the County Courts in the Counties of Chittenden and Lamoille," and it was read the third time and passed.

(S. 65.) The engrossed bill entitled "an act in addition to an act to incorporate Goshen Turnpike Company," was taken up, read the third time and passed.

The following bills from the House of Representatives were taken up, and severally read the third time and passed in concurrence:

(H. 106.) "An act in amendment of 'an act laying a tax on the lands in Avery's Gore in Addison County,'" and

(H. 134.) "An act to continue in force and in amendment of an act laying a tax on lands in Goshen."

On motion of Mr. Sheldon,
The Senate adjourned.

AFTERNOON.

Mr. Camp, from the Committee on Finance, to whom was referred the resolution from the House, relating to widows' pensions, reported the said resolution without amendment, and it was passed concurrently.

(S. 74.) Mr. Camp, from the same Committee, to whom was referred the bill entitled "an act in alteration of chapter 83 of the Revised Statutes," reported adversely to the passage of the same, and on his motion it was

Ordered to lie upon the table.

(H. 128.) Mr. Briggs, from the Committee on the Judiciary, to whom was referred the bill from the House entitled "an act in addition to chapter 41 of the Revised Statutes," reported the same without amendment, and it was read the third time and passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate :

(H. 101.) "An act relating to banks."

(H. 138.) "An act regulating fees."

(H. 152.) "An act to incorporate the Branch Turnpike Company," and

(H. 143.) "An act fixing the salary of Secretary of Civil and Military Affairs."

(H. 131.) The House concur in adopting the amendments of the Senate to bills entitled "an act to amend 'an act to incorporate the President, Directors and Company of the Bank of Montpelier,'" and

(H. 90.) "An act altering the name of Elvira Patterson and constituting her an heir at law of Osee F. and Huldah Allen."

The Senate took up the following entitled bills from the House, and they were severally read the first and second times and referred as follows :

(H. 143.) "An act fixing the salary of the Secretary of Civil and Military Affairs," and

(H. 138.) "An act regulating fees," to the Committee on Finance.

(H. 152.) "An act to incorporate the Branch Turnpike Company," to the Committee on Roads and Canals.

(H. 101.) "An act relating to Banks," to the Committee on Banks.

The following communication was received from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs :

EXECUTIVE CHAMBER, }
Nov. 8, 1842. }

I have to inform the Senate that Elijah Farr, Esq. who was lately elected State's Attorney for Orange County, declines that office.

CHARLES PAINE.

To his Honor, WAITTILL R. RANNEY,
President of the Senate.

(S. 51.) Mr. Cutts, from the Committee on Claims, to whom was referred the bill entitled "an act to pay John S. Pettibone the sum therein mentioned," reported the same, with the proposition to fill the blank therein with the words "seventy-two dollars."

Mr. Hubbell moved to fill the blank with the words "one hundred and twenty dollars," and, on this question, demanded the yeas and nays, which were as follows :

Those Senators who voted in the affirmative are,

Messrs. Aikin, Bartlett, Bingham, Blodgett, Butler, Dillingham, Hatch, Hubbell, Sheldon, Smalley, Sprague and Wright—12.

Those Senators who voted in the negative are,

Messrs. E. Allen, Barrett, Briggs, Camp, Cutts, Dutton, Eaton, Field, French, Munsill, Plumb, Porter, Sowles, Starr, and Townsley—15.

So the Senate refused to insert the words "one hundred and twenty dollars," and on motion of Mr. Hubbell, the bill and amendment proposed, were

Ordered to lie upon the table.

(S. 73.) Mr. Eaton called up the bill on the table entitled "an act direc-

ting the Commissioner of the School Fund, to cancel demands against the University of Vermont," and without taking any action thereon,
The Senate adjourned.

EVENING.

Mr. Briggs, from the select committee to whom was referred the petition of Thomas H. Palmer and 194 others, relating to slavery in the District of Columbia and elsewhere, reported the following resolutions, which were read and passed, to wit:

Resolved, by the Senate and House of Representatives:

1. That as the Representatives of the people of the State of Vermont, we do protest against the admission into the Union of any State whose constitution tolerates domestic slavery; or the annexation of Texas, or any other Territory, wherein slavery exists.

2. That we believe that Congress have the power, by the Constitution of the U. S. to abolish slavery and the slave trade in the District of Columbia and in the Territories of the United States; and that if Congress refuse to abolish slavery in the District of Columbia, the seat of the General Government ought to be removed from that District to a place where-in slavery and the slave-trade, do not and cannot exist.

3. That we believe Congress has the Constitutional power to prohibit the slave trade between the several states in this Union, and to make such laws as shall effectually prevent this trade, and ought to exercise this power.

4. That the Constitution of the United States ought to be amended so as to prevent the existence and maintainance of slavery in the United States, in any form or manner.

5. That our Senators in Congress be instructed, and our Representatives be requested, to present the foregoing resolutions to their respective Houses in Congress, and to use their influence to carry out the principles thereof.

6. That the Governor of this State be requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

(S. 74.) Mr. Plumb called up the bill entitled "an act in alteration of chapter 83 of the Revised Statutes," and it was, on his motion, laid on the table.

Mr. Briggs called up the bill entitled "an act in relation to the Militia," and by unanimous consent it was taken up and considered by the Senate as in Committee of the Whole; and having made progress therein the Committee rose and reported the same to the Senate.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT :—The House of Representatives have passed a resolution instructing the Auditor of Accounts to prosecute his inquiries as to defective accounting in the Treasury, in which they request the concurrence of the Senate.

(S. 67.) The Senate do not concur with the Senate in the passage of the bill entitled "an act altering the third and fifth Judicial Circuits."

On motion of Mr. Dillingham,
The Senate adjourned.

WEDNESDAY, NOV. 9, 1842.

Prayer by the Chaplain.

The Journal of yesterday was read.

Mr. Bartlett introduced the following resolutions:

Resolved, by the Senate and House of Representatives, That our Senators in Congress be instructed and our Representatives be requested, to use their utmost efforts to procure the passage of a law establishing the future sessions, in this State, of the Circuit and District Courts of the United States, at Montpelier, in the County of Washington.

Resolved, That the Governor be requested to transmit a copy of the foregoing resolution to the President of the United States, and to each of our Senators and Representatives in Congress.

And they were read, and

Ordered to lie on the table.

The Senate took up the following engrossed bills, and they were severally read the third times, and passed, to wit:

(S. 56.) "An act defining the qualifications and rights of freemen, and for other purposes," and

(S. 21.) "An act for the relief of Salma Davis and others."

The following resolution from the House of Representatives, was taken up and passed in concurrence:

Resolved, by the Senate and House of Representatives, That the Auditor of Accounts be directed to continue his investigation into the defective accounting in the Treasury Department, in conjunction with the Treasurer, enforce the collection of all unsettled balances, where practicable, and that the Committee on Claims audit his accounts.

(S. 23.) Mr. Porter, from the Committee on Manufactures, to whom was referred the bill entitled "an act to incorporate the St. Albans Steam Mill and Transportation Company," reported adversely to the passage of the same, and

The third reading was denied.

Mr. Camp, from the Committee on Finance, to whom was referred the

Auditor's Abstract, the Report of the Auditor in the Treasury Department, the Report of the Auditor in the Treasury on the School Fund, and the Report of the Treasurer on the state of the Safety Fund, reported the same to the Senate, and the Committee were discharged from further consideration thereof.

(S. 68.) Mr. Camp, from the Committee on Finance, to whom was referred the bill entitled "an act in addition to chapter 19 of the Revised Statutes, relating to the instruction of the deaf and dumb," reported the same without amendment.

On motion of Mr. Dillingham, the bill was so amended as to declare that it should take effect, as law, from and after its passage, and thus amended, it was

Ordered to be engrossed and read the third time.

(H. 138.) Mr. Camp, from the same Committee, reported the bill from the House, entitled "an act regulating fees," and it was

Ordered to lie upon the table.

(H. 143.) Mr. Camp, from the same Committee, reported the bill from the House entitled "an act fixing the salary of the Secretary of Civil and Military Affairs," with the opinion that it ought not to pass.

And the third reading of the bill was refused.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—I am directed to communicate to the Senate, the report of the Quarter Master General, and the Report of the Commissioners of the Deaf, Dumb and Blind, heretofore transmitted to the House for the use of the General Assembly.

(S. 47.) The House have passed the bill from the Senate entitled "an act laying a tax on the County of Chittenden," with a proposal of amendment in which they request the concurrence of the Senate.

The House concur with the Senate in passing the following entitled bills:

(S. 29.) "An act in addition to chapter 44 of the Revised Statutes."

(S. 61.) "An act relating to the Bank of Windsor," and

(S. 40.) "An act for surveying and ascertaining the boundary line between the Counties of Bennington and Windham."

The House have passed a resolution rescinding the joint resolution designating a day for the adjournment of the General Assembly, and fixing upon Wednesday the 16th inst. as the day for such adjournment, in which they request the concurrence of the Senate.

The following resolution from the House was taken up and passed in concurrence:

Resolved, by the Senate and House of Representatives, That the joint resolution heretofore adopted on the 7th inst., providing for the adjournment of the Legislature on Friday next, at 5 o'clock A. M., be, and hereby is, rescinded, and that both Houses do adjourn, on Wednesday next, at 5 o'clock A. M., without day.

(S. 62.) The Senate, as in Committee of the Whole, resumed consideration of the bill entitled "an act relating to Public Accounts," and having made progress therein, the Committee rose and reported the same to the Senate with certain amendments, which were adopted, and the bill was

Ordered to be engrossed and read the third time.

(S. 23.) Mr. Blodgett moved a reconsideration of the vote rejecting the bill entitled "an act to incorporate the St. Albans Steam Mill and Transportation Company," and the same was reconsidered.

Mr. Butler offered the following amendment:

"Sec. 5. All the bonds, notes, promises, or agreements which shall be made and executed by said corporation, shall be deemed and holden to be the joint contract, promise, or agreement, of the individual members of said corporation; and whenever any judgment shall have been obtained against said corporation, and execution shall thereupon issue, and demand thereof shall be made by the officer holding the same in the manner now pointed out by law, if the same shall not be duly paid or property turned out sufficient to satisfy the same, it shall be the duty of such officer, and he is hereby empowered, to proceed and levy such execution on the goods, chattels, or estate, of any one or more of the individual members or stockholders of said corporation, or who have been members or stockholders of said corporation within two years from the time of said levy, and proceed to the collection of said execution in the same manner as if said judgment had been rendered against such members or stockholders by name."

And the bill was laid on the table.

On motion of Mr. Townsley, he was excused from further attendance on the Senate from and after tomorrow morning.

On motion of Mr. Sprague,
The Senate adjourned.

AFTERNOON.

(S. 27.) Mr. French, from the Committee on the Judiciary, to whom was referred the bill entitled "an act altering the 6th and defining the 32d section of the 45th chapter of the Revised Statutes," reported the same with proposals to amend, by striking out from the title of the bill the words "altering the 6th and," and from the body of the bill the "1st section"; and the amendments proposed were adopted, and the bill

Ordered to be engrossed and read the third time.

(H. 101.) Mr. Starr, from the Committee on Banks, to whom was referred the bill from the House entitled "an act relating to Banks," reported said bill, and it was

Ordered to lie upon the table.

(S. 51.) Mr. Sheldon called up the bill entitled "an act to pay John S. Pettibone the sum therein mentioned, and moved to fill the blank with the words "one hundred."

Which proposition was rejected.

And the question, being on filling the blank with the words "seventy-two," as proposed by the Committee, it was decided in the affirmative, and the bill

Ordered to be engrossed and read the third time.

And the bill was engrossed, read the third time and passed.

(S. 73.) Mr. Smalley called up the bill on the table, entitled "an act directing the Commissioner of the School Fund to cancel demands against the University of Vermont," and it was

Ordered to be engrossed and read the third time.

(H. 138.) Mr. Butler called up the bill from the House entitled "an act relating to fees," and offered the following amendment:

"Sec. -. Witnesses used on the trial of causes pending before auditors or referees, shall be entitled to receive the same fees as witnesses attending justice's courts."

Which amendment was rejected.

Mr. Butler offered the following amendment:

"Sec. -. Witnesses used in the trial of causes pending before auditors or referees shall receive fifty cents per day and thirty-four cents for each half day's attendance, and five cents per mile for travel."

Which amendment was also rejected.

And the question, Shall the bill be read the third time? was decided in the negative.

(S. 47.) The bill entitled "an act laying a tax on the County of Chitenden," was taken up, together with the amendment proposed thereto by the House of Representatives, and the said amendment was concurred in.

(S. 73.) The engrossed bill entitled "an act directing the Commissioners of the School Fund to cancel demands against the University of Vermont," was read the third time and passed.

A message from the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—His Excellency, the Governor, has this day approved and signed bills of the following titles:

(S. 29.) "An act in addition to chapter 44 of the Revised Statutes."

(S. 40.) "An act for surveying and ascertaining the boundary line between the Counties of Bennington and Windham," and

(S. 61.) "An act relating to the Bank of Windsor."

(S. 23.) The Senate took up the bill entitled "an act to incorporate the St. Albans Steam Mill and Transportation Company," together with Mr. Butler's amendment thereto.

Mr. Blodgett offered the following amendment to said amendment:

Strike out the following:—"Or who have been members or stockholders of said corporation within two years from the time of said levy," and insert "or who were members of, or stockholders in said company or corporation at the time such liability was incurred."

Which amendment was rejected.

Mr. Barrett offered the following:

Provided, that no stockholder shall be liable for a larger sum than his individual stock bears proportion to the whole stock of said corporation."

Which was also rejected.

And on the question, Shall the original amendment be adopted? Mr. Butler having demanded the yeas and nays, the same were as follows:

Those Senators who voted in the affirmative are,

Messrs. Aiken, Bingham, Blodgett, Butler, Camp, Dillingham, Field, Hatch, Plumb, Sheldon, Sowles, Stevens, and Wright—12.

Those Senators who voted in the negative are,
Messrs. E. Allen, Barrett, Cutts, Dutton, Eaton, French, Hubbell, Mun-
sill, Porter, Smalley, and Starr—11.

So the said amendment was adopted.

Mr. Dillingham moved that the said bill be indefinitely postponed.
Which motion prevailed.

A message from the House of Representatives, by Mr. Merrill, their
Clerk:

MR. PRESIDENT:—The House of Representatives have passed bills of
the following titles:

(H. 14.) "An act to pay William Maxham the sum therein mentioned."

(H. 91.) "An act to pay Emery Melendy the sum therein mentioned."

(H. 148.) "An act in addition to chapter 77 of the Revised Statutes, re-
lating to the collection of taxes."

(H. 161.) "An act making appropriations for the support of Govern-
ment."

(H. 162.) "An act assessing a tax for the support of Government."

(H. 163.) "An act authorizing the Treasurer to borrow the sum therein
mentioned."

(H. 164.) "An act making appropriation to pay the Convention called
by the Council of Censors," in which they request the concurrence of the
Senate.

Mr. Sheldon, on his own motion, was discharged from further attend-
ance on the Senate, from and after Friday morning.

The Senate adjourned.

EVENING,

(S. 23.) Mr. Camp moved to reconsider the vote of the Senate rejecting
the bill entitled "an act to incorporate the St. Alban's Steam Mill and
Transportation Company," which motion was lost.

The following bills from the House of Representatives were severally
read twice and referred, as follows:

(H. 148.) "An act in addition to chapter 77 of the Revised Statutes, re-
lating to the collection of taxes,"

(H. 164.) "An act making appropriations to pay the Convention called
by the Council of Censors,"

(H. 163.) "An act authorizing the Treasurer to borrow the sum therein
mentioned,"

(H. 162.) "An act assessing a tax for the support of Government," and

(H. 161.) "An act making appropriations for the support of Government," to the Committee on Finance.

(H. 13.) "An act relating to the electing of Representatives to Congress,"

(H. 165.) "An act in addition to chapter 95 of the Revised Statutes,"

(H. 121.) "An act in addition to chapter 77 of the Revised Statutes," to the Committee on the Judiciary.

(H. 91.) "An act to pay Emery Melendy the sum therein mentioned," to the Committee on Military Affairs.

(H. 14.) "An act to pay William Maxham the sum therein mentioned," to the Committee on Claims, and

(H. 145.) "An act in addition to and in alteration of 'an act relating to the Grand List, approved Nov. 11, 1841,' to the select committee on the subject of the Grand List.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The Governor has announced to the House that he has this day approved and signed bills of the following titles:

(H. 90.) "An act altering the name of Elvira Patterson and making her heir-at-law of Osee F. and Huldah Allen."

(H. 106.) "An act in amendment of 'an act laying a tax on the lands in Avery's Gore in Addison County,'"

(H. 131.) "An act to amend 'an act to incorporate the President, Directors and Company of the Bank of Montpelier,'"

(H. 134.) "An act to continue in force and in amendment of 'an act laying a tax on the lands in Goshen,' and

(H. 128.) "An act in addition to chapter 41 of the Revised Statutes."

The House concur with the Senate in the passage of the following bill:

(S. 2.) "An act to repeal the 22d section of chapter 58 of the Revised Statutes."

(S. 71.) Mr. Briggs called up the bill entitled "an act in relation to the militia," and the Senate, sitting as in Committee of the Whole, having made progress in the consideration thereof, rose and reported the said bill to the Senate, with proposals of amendment, which were adopted, and the bill, as amended, was read the third time and passed.

(S. 77.) Mr. Briggs, from the Committee on the Judiciary, reported a bill entitled "an act to repeal an act therein mentioned," which was read twice and laid on the table.

(S. 64.) Mr. Briggs from the same Committee reported the bill entitled "an act in alteration of section 6, chapter 57 of the Revised Statutes," with a proposition to amend the same by striking out the word "ten" and inserting the word "six" in lieu thereof, which amendment was adopted, and the bill as amended, was ordered to be engrossed and read the third time.

(H. 101.) The Senate took up the bill from the House entitled "an act relating to Banks," and Mr. Hatch offered the following amendment:

Amend by striking out from the first section all of said section, after the figures "1840," (meaning so much as excepts the 39th section.)

And on the question of its adoption called the yeas and nays, which are as follows :

Those Senators who voted in the affirmative are :

Messrs. Aiken, Bingham, Blodgett, Butler, Dillingham, Eaton, Hatch, Hubbell, Smalley, Sprague, and Wright—12.

Those Senators who voted in the negative are,

Messrs. E. Allen, Barrett, Briggs, Cutts, French, Plumb, Porter, Sowles, and Starr,—9.

So the amendment was adopted.

Mr. Dillingham moved to amend the bill by striking out the last line of the second section.

Which amendment was adopted, and the bill, as amended, was read the third time and passed in concurrence.

Mr. Blodgett called up the minority report and resolutions relative to the right of Mr. A. Allen to a seat in the Senate, with the amendment proposed to said resolutions by Mr. Townsley.

Mr. Townsley withdrew his amendment.

Mr. Briggs moved to strike out the first of the said resolutions, and on this question, Mr. Blodgett called the yeas and nays, but without proceeding to call the same,

Mr. E. Allen, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, the following entitled bills:

(S. 40.) "An act for surveying and ascertaining the boundary line between the Counties of Bennington and Windham."

(S. 29.) "An act in addition to chapter 44 of the Revised Statutes."

(S. 61.) "An act relating to the Bank of Windsor."

(H. 90.) "An act altering the name of Elvira Patterson and constituting her heir at law of Osee F. and Huldah Allen."

(H. 106.) "An act in amendment of an act laying a tax on the lands in Avery's Gore, in Addison County."

(H. 128.) "An act in addition to chapter 41 of the Revised Statutes."

(H. 131.) "An act to amend an act to incorporate the President, Directors and Company of the Bank of Montpelier."

(H. 134.) "An act to continue in force, and in amendment of an act laying a tax on lands in Goshen."

On motion of Mr. Hubbell,
The Senate adjourned.

THURSDAY, NOV. 10, 1842.

Prayer by the Chaplain.

The journal of yesterday was read.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have voted to rescind the joint resolution relating to adjourning on Wednesday morning, and have passed a resolution providing for an adjournment on Monday morning next, at 5 o'clock, A. M. in which they request the concurrence of the Senate.

The House concur with the Senate in the passage of certain resolutions relating to slavery.

The Senate took up the said resolution relating to adjournment, which is as follows:

“Resolved, by the Senate and House of Representatives, That both Houses adjourn on Monday morning next, at 5 o'clock, A. M. and that the resolution providing for an adjournment on Wednesday morning be rescinded.”

Mr. Blodgett moved to lay the same on the table, which motion was lost, and the said resolution was passed in concurrence.

(H. 95.) Mr. Eaton, from the Committee on Education, to whom was referred the bill entitled “an act in addition to ‘an act establishing the County Grammar School of the County of Caledonia, in the town of Peacham,’ passed Oct. 27, 1795, reported the same without amendment, and it was read the third time and passed in concurrence.

(S. 70.) Mr. Eaton, from the same Committee, reported the bill entitled “an act to pay Zadock Thompson the sum therein mentioned,” with the proposal to fill the blank therein with the words “five hundred.”

Mr. Hatch moved to insert the words “two hundred and fifty.”

And the question being on filling the blank with the largest sum, to wit, “five hundred,” Mr. Butler demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,
Messrs. E. Allen, Barrett, Briggs, Camp, Cutts, Dutton, Eaton, Field, French, Munsill, Plumb, Porter, Smalley, Sowles, and Starr—15.

Those Senators who voted in the negative are,
Messrs. Aiken, Bartlett, Bingham, Blodgett, Butler, Hatch, Hubbell, Sprague, Stevens, and Wright—10.

So the blank was ordered to be filled with the words “five hundred.”

The question being, Shall the bill be engrossed and read the third time? the yeas and nays, having been demanded by Mr. Sprague, were as follows:

Those Senators who voted in the affirmative are,
Messrs. E. Allen, Barrett, Briggs, Camp, Cutts, Dutton, Eaton, Field, French, Munsill, Plumb, Porter, Smalley, Sowles, and Starr—15.

Those Senators who voted in the negative are,
Messrs. Aiken, Bartlett, Bingham, Blodgett, Butler, Hatch, Hubbell, Sprague, Stevens, and Wright—10.

So it was so ordered, and the bill, on motion of Mr. Smalley, was read the third time and passed.

(S. 62.) The Senate took up the engrossed bill entitled "an act relating to Public Accounts," and it was read the third time and passed.

(S. 68.) The Senate took up the engrossed bill entitled "an act in addition to chapter 19 of the Revised Statutes, relating to the instruction of the Deaf, Dumb and Blind," and on motion of Mr. Briggs, it was

Ordered to lie upon the table.

(S. 38.) Mr. Eaton, from the Committee on Education, to whom was referred the bill entitled "an act constituting a Board of Education, and a general supervision of Common Schools," reported the same with sundry propositions of amendment, which were adopted, as follows:

"Strike out the 5th and 6th sections, and insert as section 5, the following:—"This act shall take effect from and after its passage"; also strike out from the title of the bill all after the word 'education.'"

Mr. Hubbell moved to lay the bill upon the table.

Which motion was rejected.

Mr. Butler moved to amend by striking out from section 2 the last sentence, providing for the compensation of a Secretary of the Board.

And the amendment was adopted.

On motion of Mr. Briggs, the bill was indefinitely postponed.

(H. 145.) Mr. Hatch, from the select Committee on the Grand List, to whom was referred the bill from the House entitled "an act in addition to, and in alteration of, an act relating to the Grand List, approved Nov. 11, 1841," reported the same with proposals of amendment.

The Senate considered the bill as in Committee of the Whole, and having made progress therein, reported the same with amendments as follows:

Section 9, in the second line, after the word "property," insert "or from the assessment for money on hand or debts due."

In the 5th line, strike out the words "considers himself," and insert in lieu thereof the word "is."

In line 14th, after the word "principal," insert "except such principal has actually failed and become irresponsible."

In line 17th, after the word "person," insert "nor for any note or other security payable at some future uncertain day without interest."

Also, add as follows:

"Sec. 13. That hereafter, whenever the listers shall assess any person for his personal estate, other than debts due from solvent debtors, and money loaned and debts secured on real estate, they shall not deduct therefrom the amount of debts due from such person."

On motion of Mr. Stevens,

The Senate adjourned.

AFTERNOON.

(S. 64.) The engrossed bill entitled "an act in alteration of section 6, chapter 57, of the Revised Statutes," and the engrossed bill (S. 27,) entitled "an act altering the 6th and defining the 32d section of chapter 45 of the Revised Statutes," were severally read the third time and passed.

(H. 152.) Mr. Field, from the Committee on Roads and Canals, reported the bill entitled "an act to incorporate the Branch Turnpike Company," without amendment, and it was read the third time and passed.

Mr. Field, from the same Committee, reported the following bills:

(H. 149.) "An act to amend section 23 of chapter 21 of the Revised Statutes," and

(H. 22.) "An act in alteration of section 2 of chapter 21 of the Revised Statutes," and they were severally laid on the table.

(H. 165.) Mr. Briggs, from the Committee on the Judiciary, reported in favor of the passage of the bill from the House entitled "an act in addition to chapter 95 of the Revised Statutes," and it was read the third time and passed in concurrence.

Mr. Hubbell, from the Committee on Claims, to whom was referred the petition of Richard F. Abbot, reported against the passage thereof, and recommended that the petitioner have leave to withdraw his petition, which was granted.

Mr. Camp, from the Committee on Finance, reported the following bills from the House, without amendment:

(H. 164.) "An act making appropriations to pay the Convention called by the Council of Censors."

(H. 163.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

(H. 162.) "An act assessing a tax for the support of Government."

(H. 161.) "An act making appropriations for the support of Government,"

And they were severally read the third time and passed in concurrence.

(H. 91.) Mr. Stevens, from the Committee on Military Affairs, to whom was referred the bill entitled "an act to pay Emery Melendy the sum therein mentioned," reported adversely to the passage thereof, and the question, "Shall the bill be read the third time?" was decided in the negative.

(H. 148.) Mr. Briggs, from the Committee on the Judiciary, reported in favor of the bill from the House entitled "an act in addition to chapter 77 of the Revised Statutes, relating to the collection of taxes," and it was read the third time and passed in concurrence.

(S. 38.) Mr. Eaton moved to reconsider the vote of this morning indefinitely postponing the bill entitled "an act constituting a Board of Edu-

tion," which motion prevailed, and the question being, Shall the bill be indefinitely postponed? Mr. Briggs withdrew said motion, and the bill, on motion of Mr. Hatch, was laid on the table.

(H. 35.) Mr. Hatch called up the bill entitled "an act in addition to and in alteration of an act relating to the Grand List, approved Nov. 11, 1841," and the Senate considered the same as in Committee of the Whole, and having made progress therein, rose and reported the same to the Senate.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT.—The House of Representatives concur with the Senate in the passage of the bill (S. 71,) entitled "an act in relation to the Militia," with proposals of amendment, in which they request the concurrence of the Senate.

(S. 69.) The House do not concur with the Senate in passing the bill entitled "an act providing for a Geological Survey of the State."

A message from the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—His Excellency the Governor has this day approved and signed bills of the following titles:

(S. 2.) "An act to repeal the 22d section of chapter 28 of the Revised Statutes."

(S. 41.) "An act relating to highways."

(S. 47.) "An act laying a tax on the county of Chittenden."

On motion of Mr. Sprague,

The Senate adjourned.

EVENING.

(S. 78.) Mr. Blodgett introduced a bill entitled "an act relating to imprisonment for debt,"

And it was read the first and second times, and referred to the Committee on the Judiciary.

(S. 79.) Mr. Bartlett introduced a bill entitled "an act relating to the surplus revenue,"

Which was read the first and second times and referred to the Committee on Finance.

(S. 80.) Mr. Starr introduced a bill entitled "an act relating to paupers in jail,"

And it was read the first and second times, and referred to the Committee on the Judiciary.

(S. 81.) Mr. Dillingham introduced a bill entitled "an act relating to the collection of taxes,"

And it was read the first and second times and referred to the Committee on Finance.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the following entitled bills:

(S. 58.) "An act in alteration of chapter 21 of the Revised Statutes," and

(S. 65.) "An act in addition to an act to incorporate the Goshen Turnpike Company."

The House have passed bills of the following titles, in which they request the concurrence of the Senate :

(H. 119.) "An act relating to the punishment of capital crimes,"

(H. 150.) "An act to pay Chauncey Goodrich the sum therein mentioned,"

(H. 156.) "An act to pay the claims against the State Prison,"

(H. 2.) "An act to repeal 'an act in amendment of section 63 of chapter 28 of the Revised Statutes,'"

(H. 147.) "An act in addition to chapter 29 of the Revised Statutes."

Mr. E. Allen, from the Committee on Bills, reported that they had this day presented to the Governor, for his approval and signature, bills of the following titles :

S. 47.) "An act laying a tax on the County of Chittenden."

(S. 41.) "An act relating to highways."

(S. 2.) "An act to repeal the 22d section of chapter 58 of the Revised Statutes."

(H. 164.) "An act making appropriations to pay the Convention called by the Council of Censors."

(H. 148.) "An act in addition to chapter 77 of the Revised Statutes, relating to the collection of taxes."

(H. 165.) "An act in addition to chapter 95 of the Revised Statutes,"

(H. 152.) "An act to incorporate the Branch Turnpike Company."

(H. 163.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

(H. 162.) "An act assessing a tax for the support of Government."

(H. 161.) "An act making appropriations for the support of Government."

(H. 95.) "An act in addition to 'an act establishing the County Grammar School of the County of Caledonia, in the town of Peacham,'"

(H. 145.) The Senate resumed consideration of the unfinished business, being the bill entitled "an act in addition to and in alteration of 'an act relating to the Grand List,' approved Nov. 11, 1841," as in Committee of the Whole, and, having made progress therein, reported the same with proposals of amendment in addition to those spread on the Journal of this morning.

The said amendments on the Journal of this morning were adopted by the Senate without division, with the exception of the one entitled "Sec. 13"; upon the adoption of which, the yeas and nays were demanded by Mr. Blodgett, and are as follows :

Those Senators who voted in the affirmative are :

Messrs. E. Allen, Barrett, Butler, Cutts, Dutton, Eaton, Field, French, Hubbell, Munsill, Porter, Smalley, Starr, Stevens, and Wright—15.

Those Senators who voted in the negative are,
Messrs. Aiken, Bartlett, Bingham, Blodgett, Camp, Dillingham, Hatch,
Plumb, Sowles, and Sprague—10.

So the amendment was adopted.

On the question, will the Senate adopt the amendment of the Committee which provides that section 9 shall be stricken from the bill, the yeas and nays were demanded by Mr. Dillingham, and are as follows:

Those Senators who voted in the affirmative are,
Messrs. E. Allen, Barrett, Butler, Camp, Cutts, Dutton, Field, Hubbell,
Munsill, Porter, Smalley, Sowles, Starr, and Stevens—14.

Those Senators who voted in the negative are,
Messrs. Aiken, Bartlett, Bingham, Blodgett, Dillingham, Eaton, French,
Hatch, Plumb, Sprague, and Wright—11.

So the amendment was adopted.

On motion of Mr. Dutton, the following was adopted as a substitute to section 9, which had been ordered to be stricken from the bill:

“No deduction shall be made or allowed to any person for any debt for which he shall be holden as surety, and not as principal, except such principal has actually failed and become irresponsible, or as partner in any mercantile or other business except from the partnership property, nor for any debt which shall appear to have been a gift from such person—nor for any note or other security payable on some future uncertain day without interest.”

The following amendment was proposed by the Committee:

“All merchants, manufacturers and mechanics within this State shall be assessed and set in the lists in the several towns to which they belong, in proportion to their several gains, not exceeding one hundred dollars, according to the best discretion and judgment of the listers, and shall not be assessed in any other way for their stock in trade.”

And the question being, Will the Senate adopt the amendment? the yeas and nays being demanded by Mr. Hatch, are as follows:

Those Senators who voted in the affirmative are,
Messrs. E. Allen, Barrett, Butler, Camp, Cutts, Dutton, Field, Hubbell,
Munsill, Porter, Smalley, Sowles, Starr, and Stevens—14.

Those Senators who voted in the negative are,
Messrs. Aiken, Bartlett, Bingham, Blodgett, Dillingham, Eaton, French,
Hatch, Plumb, Sprague, and Wright—11.

So the amendment was adopted.

The following amendment was proposed by the Committee:

“Sec. 15. When any person shall think that he is assessed by the listers for money on hand, debts due, or for bank and insurance stock, or for faculty or gains, in a greater sum than is just and reasonable, such person may apply to the selectmen, or a majority of them, of the same town, and if he, by his own testimony on oath, or otherwise, can satisfy them, that his assessment is too high, it shall be the duty of the selectmen, by the 15th day of August, to lodge in the town clerk's office of such town, a certificate of the sum to which they have reduced the assessment of such person; which certificate shall be taken by the listers as the sum in which such person shall be assessed.

“Sec. 16. It shall be the duty of the person appealing to the selectmen

as aforesaid, to give notice to one or more of said listers, of the time and place of hearing said application."

And the question being, Will the Senate adopt the amendment? the yeas and nays, being demanded by Mr. Sowles, are as follows:

Those Senators who voted in the affirmative are,

Messrs. E. Allen, Barrett, Blodgett, Briggs, Butler, Cutts, Dutton, Eaton, Field, Hubbell, Munsill, Plumb, Porter, Smalley, Sowles, Starr, Stevens, and Wright—18.

Those Senators who voted in the negative are,

Messrs. Aiken, Bartlett, Bingham, Camp, Dillingham, French, and Sprague—7.

So the amendment was adopted.

On motion of Mr. Briggs, the bill and amendments were

Ordered to lie upon the table.

Mr. Briggs called up the resolution on the table relative to establishing the Circuit and District Courts of the U. S. at Montpelier.

Mr. Smalley moved that the same be indefinitely postponed; and on this question, the yeas and nays, having been demanded by Mr. Bartlett, were as follows:

Those Senators who voted in the affirmative are,

Messrs. E. Allen, Barrett, Briggs, Butler, Camp, Cutts, Dutton, Eaton, Field, French, Hubbell, Munsill, Plumb, Porter, Smalley, Sowles, Starr, and Wright—18.

Those Senators who voted in the negative are,

Messrs. Aiken, Bartlett, Bingham, Blodgett, Dillingham, Hatch, Sprague, and Stevens—8.

So the resolution was indefinitely postponed.

(S. 48.) Mr. French, from the Committee on the Judiciary, to whom was referred the bill entitled "an act entitled Mechanic's Liens," reported adversely to the passage of the same.

And on the question, Shall the bill be engrossed and read the third time? the yeas and nays having been demanded by Mr. Sprague, were as follows:

The Senator who voted in the affirmative is,

Mr. Sprague—1.

Those Senators who voted in the negative are,

Messrs. Aiken, E. Allen, Barrett, Bartlett, Bingham, Blodgett, Briggs, Butler, Camp, Cutts, Dillingham, Dutton, Eaton, Field, French, Hatch, Hubbell, Munsill, Plumb, Porter, Smalley, Sowles, Starr, Stevens, and Wright—25.

So the question was decided in the negative.

Mr. Bartlett, on his own motion, was excused from further attendance on the Senate from and after tomorrow morning.

The following bills from the House of Representatives were severally read twice and referred as follows:

(H. 147.) "An act in addition to chapter 29 of the Revised Statutes," to the Committee on the Judiciary.

(H. 156.) "An act to pay the claims against the State Prison," to the Committee on Finance.

(H. 150.) "An act to pay Chauncey Goodrich the sum therein mentioned," to the Committee on Claims, and

(H. 119.) "An act relating to the punishment of capital crimes," to the

select Committee raised on the Senate bill to abolish capital punishment.

(H. 2.) The bill from the House entitled "an act to repeal 'an act in amendment of section 63 of chapter 28 of the Revised Statutes,'" was read twice and laid on the table.

On motion of Mr. Briggs,
The Senate adjourned.

FRIDAY, NOV. 11, 1842.

Prayer by the Chaplain.

The Journal of yesterday was read.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT: The House of Representatives have passed a resolution for furnishing the State Library with sundry documents, in which they request the concurrence of the Senate.

(S. 21.) The House concur with the Senate in passing the bill entitled "an act for the relief of Salma Davis and others."

The House do not concur with the Senate in passing the following entitled bills:

(S. 13.) "An act altering the name of Gilman Sinclair," and

(S. 66.) "An act fixing the time for holding the County Courts in the Counties of Chittenden and Lamoille."

(H. 147.) Mr. Briggs, from the Committee on the Judiciary, to whom was referred the bill from the House entitled "an act in addition to chapter 29 of the Revised Statutes," reported the same with the proposal to amend the same by adding the following section:

"Sec. 2. This act shall take effect from its passage."

The amendment was adopted, and the bill was read the third time and passed in concurrence.

(S. 80.) Mr. Briggs, from the same Committee, reported the bill entitled "an act relating to paupers in jail," with the opinion that the same ought not to pass.

And the third reading was denied.

(H. 119.) Mr. Butler, from the select Committee on the subject of abolishing capital punishment, to whom was referred the bill from the House entitled "an act relating to the punishment of capital crimes," reported the same without amendment, and it was, on motion of Mr. Camp,

Ordered to lie upon the table, and be made the order for this evening.

(S. 81.) Mr. Camp, from the Committee on Finance, to whom was referred the bill entitled "an act relating to the collection of taxes," reported the same without amendment, and it was

Ordered to be engrossed and read the third time.

(S. 79.) Mr. Camp, from the same Committee, reported the bill entitled "an act relating to the surplus revenue," adversely, and the third reading was refused.

(H. 156.) Mr. Camp, from the same Committee, reported the bill from the House entitled "an act to pay the claims against the State Prison," with the opinion that the same ought to pass, and it was read the third time and passed in concurrence.

(H. 130.) Mr. French, from the Committee on the Judiciary, reported the bill from the House entitled "an act relating to the election of Representatives to Congress," with the opinion that the same ought to pass, and it was read the third time and passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a bill (H. 36,) entitled "an act to incorporate the Bank of Orange County," in which they request the concurrence of the Senate.

The Governor has announced to the House that he has this day approved and signed the following entitled bills:

(H. 95.) "An act in addition to 'an act establishing the County Grammar School of the County of Caledonia, in the town of Peacham,' passed Oct. 27, 1795."

(H. 161.) "An act making appropriations for the support of Government."

(H. 165.) "An act in addition to chapter 95 of the Revised Statutes."

(H. 162.) "An act assessing a tax for the support of Government."

(H. 164.) "An act making appropriations to pay the Convention called by the Council of Censors."

(H. 148.) "An act in addition to chapter 77 of the Revised Statutes, relating to the collection of taxes."

(H. 163.) "An act authorizing the Treasurer to borrow the sum therein mentioned," and

(H. 152.) "An act to incorporate the Branch Turnpike Company."

(S. 71.) The Senate took into consideration the amendments proposed by the House of Representatives to the bill entitled "an act in relation to the Militia," and the same were severally concurred in.

(S. 82.) Mr. Smalley, from the select Committee, to whom was referred the Report of Henry Stevens, and the message of the Governor accompanying the same, reported a bill entitled "an act to pay Henry Stevens the sum therein mentioned."

Which was read twice and referred to said Committee.

The Chair, on motion of Mr. Camp, appointed Mr. Hubbell to fill the vacancy in said Committee occasioned by the absence of Mr. Green.

Mr. Smalley introduced the following resolution:

Resolved, by the Senate and House of Representatives, That the Governor be requested, if in his judgment the interest of the State shall thereby be promoted, to procure the documents and papers relative to the early civil and political history of the State, to be collected and arranged, and lodged in the Secretary of State's office; and also to extend the Commission

of Henry Stevens, in the prosecution of the inquiries as to the claims of this State upon the United States, for the further time of one year.

Which resolution was read and passed.

The following resolution from the House of Representatives was read and adopted in concurrence:

Resolved, by the Senate and House of Representatives, That at least five copies of each of the several reports made by any Committee or other officer, to the Executive, or either House and printed by their order, shall be deposited in the State Library, and after the members and several officers are supplied with one copy, all the remaining copies shall be transmitted by the sargeant-at-arms to the Librarian, to be by him deposited in said Library for future reference.

(H. 36.) The bill from the House entitled "an act to incorporate the President, Directors and Company of the Orange County Bank," was read twice and laid on the table.

Mr. Starr, from the select committee on communications from other States, to whom was referred certain resolutions relating to a tariff, reported adversely to the passage of the same, and they were laid on the table.

(S. 63.) The bill entitled "an act in addition to chapter 20 of the Revised Statutes" was taken up, and on motion of Mr. Camp, indefinitely postponed.

(H. 113.) The Senate took up the bill from the House of Representatives entitled "an act relating to elections," and the question, Shall the bill be read the third time? was decided in the negative.

On motion of Mr. Hubbell,
The Senate adjourned.

AFTERNOON.

(H. 14.) Mr. Plumb, from the Committee on Claims, to whom was referred the bill from the House entitled, "an act to pay William Maxham the sum therein mentioned," reported adversely to the passage of the same, and the third reading was refused.

(H. 94.) The Senate took up the bill from the House entitled "an act relating to the United States Deposit Money."

Mr. E. Allen moved to strike out the first and second sections and substitute the following:

"Section 1. The several towns shall, at each annual meeting, elect one or more trustees, not exceeding three, in the same manner, as the other town officers are elected, whose duty it shall be to receive, take care of, and manage, the money deposited with the respective towns; and they

shall at each annual meeting of their respective towns, make a full report of the condition and situation of the deposit money received by them.

"Section 2. If any person elected trustee, according to the provision of this act, shall refuse to give bonds, as provided by section forty-eight of the eighteenth chapter of the Revised Statutes, his office shall be considered vacant, and such vacancy may be filled as provided by section twenty of chapter thirteen of the Revised Statutes."

And to insert in the title of the bill, after the word "to," the words "the trustees of."

And the said proposed amendments were adopted.

On motion of Mr. Munsill, the following amendment was adopted:

"Section 3. All acts inconsistent with the provisions of this act are hereby repealed."

And the bill, as amended, was read the third time, and passed in concurrence.

(S. 68.) The engrossed bill entitled "an act in addition to chapter 19 of the Revised Statutes, relating to the instruction of the Deaf, Dumb, and Blind," was read the third time and passed.

(H. 145.) The Senate resumed consideration of the unfinished business, being the bill from the House entitled "an act in addition to, and in alteration of 'an act relating to the Grand List,' approved Nov. 11, 1841."

Mr. E. Allen moved the following amendment:

"Sec. 17. Whenever any town in this State shall not be represented in the General Assembly, and the grand list of such town shall not exceed six hundred dollars, such town shall be exempt from the payment of its State tax; and the first section of the act entitled "an act relating to the collection of State taxes, passed Oct. 29, 1829," is hereby repealed."

Which was adopted, and the bill, as amended, read the third time and passed in concurrence.

(H. 36.) Mr. Smalley called up the bill from the House entitled "an act to incorporate the Orange County Bank," and proposed the following amendment:

"Sec. 10. All the bonds, bills, notes, promises or agreements which shall be made and executed by said corporation, shall be deemed and holden to be the joint contract, promise or agreements of the individual members of said corporation, and whenever any judgments shall have been obtained against said corporation, and execution shall thereupon issue, and demand thereof shall be made by the officer holding the same, in the manner now pointed out by law, if the same shall not be duly paid or property turned out sufficient to satisfy the same, it shall be the duty of such officer, and he is hereby empowered to proceed and levy such execution on the goods, chattels or estate of any one or more of the individual members or stockholders of said corporation, or who have been members or stockholders of such corporation within two years from the time of said levy, and proceed to the collection of said execution, in the same manner as if said judgment had been rendered against such members or stockholders by name."

Mr. Butler moved to amend the amendment proposed by Mr. Smalley, by substituting therefor as follows:

"Sec. 10. Said banking corporation shall not issue any bills until the directors thereof shall have executed bonds, to pay and redeem, according to law, all the bills issued by such bank, and to pay and refund all depos-

its made therein, according to the provisions of the thirty-ninth section of an act passed A. D. 1840, entitled 'an act relating to Banks.'

The Senate refused so to amend the amendment, and on the question upon the amendment proposed by Mr. Smalley, the yeas and nays, being demanded by him, were as follows:

The Senator who voted in the affirmative is,
Mr. Sprague—1.

Those Senators who voted in the negative are,
Messrs. Aiken, Barrett, Bingham, Blodgett, Briggs, Butler, Camp, Cutts, Dillingham, Eaton, Field, French, Hatch, Hubbell, Munsill, Plumb, Porter, Smalley, Sowles, Starr, and Wright—21.

So the amendment was rejected.

And the bill was read the third time and passed in concurrence.

(S. 74.) Mr. Plumb called up the bill entitled "an act in alteration of chapter 83 of the Revised Statutes," and moved to amend the same by inserting in the 7th line, after the word "liquors," the words "and all penalties for the sale thereof."

Which amendment was rejected.

Mr. Plumb moved further to amend by adding the following:

"Providing, if any person or persons, hereafter shall deal in the sale of distilled spirituous liquors, to be drank in or about the house or premises where said liquor is sold, by keeping or harboring about his or their house or premises thereof, any person or persons intoxicated, or with intent to intoxicate any person or persons, by the sale as aforesaid, shall be and is hereby declared a misdemeanor; and the person or persons so offending, shall pay a fine not exceeding fifty dollars."

Which amendment was rejected, and on motion of Mr. Stevens, the bill was indefinitely postponed.

Mr. E. Allen, from the Committee on Bills, reported that they had this day submitted to the Governor, for his approval and signature, the following entitled bills:

(S. 65.) "An act in addition to an act to incorporate the Goshen Turnpike Company."

(S. 71.) "An act in relation to the Militia."

(S. 58.) "An act in alteration of chapter 21 of the Revised Statutes."

(S. 21.) "An act for the relief of Salma Davis and others."

(S. 78.) Mr. Briggs, from the Committee on the Judiciary, to whom was referred the bill entitled "an act in relation to imprisonment for debt," reported the same with the opinion of the Committee that it ought to pass.

Mr. Butler offered the following amendment, to be added as a 6th section:

"Sec. 6. If any person, or the agent or attorney of any person, after the setting of the sun on the day preceding the first day of the week, and before the hour of twelve at night, on such first day of the week, shall make an affidavit under oath, stating that he has good reason to believe and does believe, that his debtor, or the debtor of his principal, is about to abscond and go out of the limits of this State, the justice who administers the oath to such person is hereby authorized to issue a writ of attachment in common form against the property and body of such debtor; which writ may be served at any time, notwithstanding the provisions of the thirty-ninth section of the twenty-eighth chapter of the Revised Statutes."

Mr. Hubbell moved to amend the amendment by adding the following:

"Provided, that no sheriff, deputy sheriff, or constable, shall be compelled to receive any such process upon the Sabbath, for service."

Which was dopted.

And the amendment of Mr. Butler, thus amended, was adopted.

Mr. Sowles moved to amend the bill by striking out section 5, and pending this motion,

The Senate adjourned.

EVENING.

(S. 82.) Mr. Smalley, from the select Committee, on the report of Henry Stevens, reported the bill entitled "an act to pay Henry Stevens the sum therein mentioned," and asked that the Committee be discharged from further consideration thereof.

And it was so ordered.

Mr. Briggs, from the Committee on the Judiciary, reported the following entitled bills adversely, and they were severally indefinitely postponed:

(S. 59.) "An act in addition to chapter 28 of the Revised Statutes."

(S. 60.) "An act defining the limits of Jail Yards."

(S. 3.) "An act in amendment of section 63, chapter 28 of the Revised Statutes, and to repeal an act therein mentioned."

(S. 1.) "An act dividing the State into Districts and prescribing the mode of electing members of Congress," and

(S. 8.) "An act in addition to, and alteration of, chapters 28 and 103 of the Revised Statutes."

(H. 121.) Mr. Briggs, from the same Committee, reported the bill from the House entitled "an act in relation to chapter 77 of the Revised Statutes," with the proposal to amend as follows:

Insert in section 5, after the form of the advertisement, the words "which advertisement shall be recorded in the town Clerk's office of said town, and the town clerk shall certify whether the same has been published as required by law, which record and certificate shall be sufficient evidence of the fact whether such advertisement has been duly published."

And the amendment was adopted, and the bill, as amended, was read the third time and passed in concurrence.

(H. 150.) Mr. Cutts, from the Committee on Claims, to whom was referred the bill from the House entitled "an act to pay Chauncey Goodrich the sum therein mentioned," reported the same with the proposal to amend by striking out the words "seven hundred," and inserting the words "eight hundred and fifty," and on this question Mr. Butler demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,

Messrs. E. Allen, Barrett, Briggs, Camp, Cutts, Eaton, Field, Hubbell, Munsill, Plumb, Porter, Smalley, and Starr—13.

Those Senators who voted in the negative are,
Messrs. Aiken, Bingham, Blodgett, Butler, Hatch, Sprague, and Wright
—7.

So the amendment was adopted, and the bill as amended, was read the third time and passed in concurrence.

Mr. Munsill, from the Committee on Finance, to whom was referred the petition of A. B. Shepard and others, reported that, in the opinion of the Committee, the prayer thereof ought not to be granted.

(S. 52.) Mr. Smalley called up the bill entitled "an act in amendment of chapter 80 of the Revised Statutes," and moved to fill the blank therein with the words "four thousand," and on this question demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,
Messrs. E. Allen, Briggs, Dillingham, Field, Porter, Smalley, and Wright—7.

Those Senators who voted in the negative are,
Messrs. Aiken, Barrett, Bingham, Blodgett, Butler, Camp, Cutts, Eaton, French, Hatch, Hubbell, Munsill, Plumb, Sprague, and Starr,—15.

So the proposition was rejected.

Mr. Smalley moved to fill the blank with the words "two thousand," and demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,
Messrs. Aiken, E. Allen, Barrett, Bingham, Blodgett, Briggs, Butler, Camp, Cutts, Dillingham, Eaton, Field, French, Hatch, Hubbell, Munsill, Plumb, Porter, Smalley, Sprague, Starr, and Wright—22.

And no Senator voting in the negative, the motion was unanimously adopted.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 12.) "An act in alteration of chapter 25 of the Revised Statutes."

(H. 11.) "An act repealing section 2 of chapter 29 of the Revised Statutes."

(H. 71.) "An act directing the Treasurer to credit the town of Guildhall the sum therein mentioned."

(H. 112.) "An act to equalize the privileges of the inhabitants of this State."

(H. 120.) "An act in amendment of an act relating to the reporting of the decisions of the Supreme Court."

(H. 142.) "An act in addition to chapter 80 of the Revised Statutes."

(H. 154.) "An act fixing the salary of the Librarian."

(H. 168.) "An act relating to the State Library."

(H. 171.) "An act altering the names of the persons therein mentioned."

(H. 172.) "An act relating to the collection of State taxes."

(H. 173.) "An act relating to Bank Stock."

(S. 83.) Mr. French introduced a bill entitled "an act fixing the times for holding the County Courts in the County of Chittenden," which was read twice, and the rules being suspended on his motion, the same was read the third time and passed.

(S. 78.) Mr. Briggs called up the bill entitled "an act in relation to imprisonment for debt," and on his motion it was indefinitely postponed.

(H. 2.) Mr. Briggs, from the Committee on the Judiciary, reported the bill entitled "an act to repeal 'an act in amendment of section 63 of chapter 28 of the Revised Statutes,'" and it was read the third time and passed in concurrence.

The following bills from the House of Representatives were taken up, and severally read and referred as follows:

(H. 112.) "An act to equalize the privileges of the inhabitants of this State."

(H. 142.) "An act in addition to chapter 80 of the Revised Statutes."

(H. 12.) "An act in alteration of chapter 25 of the Revised Statutes," and

(H. 11.) "An act repealing section 2 of chapter 29 of the Revised Statutes," to the Committee on the Judiciary.

(H. 71.) "An act directing the Treasurer to credit the town of Guildhall the sum therein mentioned."

(H. 120.) "An act in amendment of an act relating to the reporting of the decisions of the Supreme Court," and

(H. 172.) "An act relating to the collection of State taxes," to the Committee on Finance.

(H. 171.) "An act altering the names of the persons therein mentioned," to the Committee on Roads and Canals.

(H. 173.) "An act relating to bank stock," to the Committee on Banks,

(H. 154.) "An act fixing the salary of the Librarian," and

(H. 168.) "An act relating to the State Library," were severally read twice and laid on the table.

(S. 81.) The engrossed bill entitled "an act relating to the collection of taxes," was read the third time and passed.

(H. 2.) Mr. Briggs moved to reconsider the vote passing the bill entitled "an act to repeal an act in amendment of section 63 of chapter 28 of the Revised Statutes," which motion prevailed.

Mr. Briggs proposed to amend said bill by adding thereto as an additional section:

"Sec. -. This act shall take effect from and after its passage."

Which amendment was adopted, and the bill was passed in concurrence.

(H. 171.) Mr. Field, from the Committee on Roads and Canals, reported in favor of the bill entitled "an act altering the names of certain persons," and the rules being suspended, it was read the third time and passed in concurrence.

(S. 38.) Mr. Eaton called up the bill entitled "an act constituting a Board of Education," and the Senate refused to strike out the last clause of the second section thereof.

Mr. Eaton moved to strike out the word "six" in said clause, and insert the word "four," which motion prevailed.

The bill was read the third time, and on the question, Shall the bill pass? the yeas and nays having been demanded, by Mr. Eaton, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Aiken, Barrett, Briggs, Cutts, Eaton, French, Munsill, Porter, and Starr—9.

Those Senators who voted in the negative are,
Messrs. Bingham, Blodgett, Butler, Dillingham, Hatch, Plumb, Smalley, Sowles, Sprague, and Wright—10.

So the bill was lost.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate :

(H. 160.) "An act in amendment of section 2 of chapter 43 of the Revised Statutes."

(H. 167.) "An act to repeal section 2 of an act relating to the Winooki Turnpike," and

(H. 166.) "An act in amendment of chapter 18 of the Revised Statutes."

The said bills were severally read and referred as follows :

(H. 160.) "An act in amendment of section 2 of chapter 43 of the Revised Statutes," to the Committee on the Judiciary.

(H. 166.) "An act in amendment of chapter 18 of the Revised Statutes," to the Committee on Finance.

(H. 167.) "An act to repeal section 2 of an act relating to the Winooki Turnpike," to the Committee on Roads and Canals.

(H. 119.) Mr. Butler called up the bill entitled "an act relating to the punishment of capital crimes," and on the question, Shall the bill be read the third time? the yeas and nays having been demanded by Mr. Dillingham, were as follows :

Those Senators who voted in the affirmative are :

Messrs. Aiken, Bingham, Blodgett, Briggs, Butler, Camp, Dillingham, Eaton, French, Hatch, Plumb, Smalley, and Sprague—13.

Those Senators who voted in the negative are,

Messrs. E. Allen, Barrett, Cutts, Porter, Sowles, Starr, and Wright—7.

So the question was decided in the affirmative, and the bill read the third time and passed in concurrence.

(S. 38.) Mr. Smalley moved to reconsider the vote rejecting the bill entitled "an act establishing a Board of Education," which motion prevailed, and on the question, shall the bill pass? the yeas and nays having been demanded by Mr. Smalley, were as follows :

Those Senators who voted in the affirmative are,

Messrs. Aiken, Barrett, Briggs, Camp, Cutts, Eaton, French, Munsill, Porter, Smalley, and Starr,—11.

Those Senators who voted in the negative are,

Messrs. E. Allen, Bingham, Blodgett, Butler, Dillingham, Hatch, Plumb, Sowles, Sprague, and Wright—10.

So the bill passed.

Mr. Eaton, from the select Committee on resolutions from other states, submitted a report and resolutions on the subject of certain resolutions relating to repudiation, from the state of Kentucky, which report and resolutions were adopted. (See Appendix.)

(H. 173.) Mr. Starr, from the Committee on Banks, reported in favor of the bill entitled "an act relating to Bank Stock," and the rule being suspended, it was read the third time and passed in concurrence.

Mr. Dillingham submitted the following resolution:

Resolved, That the thanks of the Senate are hereby tendered to the Hon. W. R. Ranney, for the kind, impartial and dignified manner, in which he has presided over our deliberations and discharged the duties of the Chair.

Which was unanimously adopted, and after a brief address from His Honor, the Lieut. Governor,
The Senate adjourned.

SATURDAY, NOV. 12, 1842.

Prayer by the Chaplain.

On motion of Mr. Briggs, the reading of the journal of yesterday was omitted.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT: The House of Representatives concur with the Senate in passing the bill (S. 68) entitled "an act in addition to chapter 19 of the Revised Statutes, relating to the instruction of the Deaf, Dumb and Blind."

The House do not concur with the Senate in passing the following entitled bills:

(S. 43.) "An act in addition to chapter 20 of the Revised Statutes," and

(S. 64.) "An act in alteration of section 6, chapter 57 of the Revised Statutes."

(H. 112.) Mr. Dillingham, from the Committee on the Judiciary, to whom was referred the bill from the House entitled "an act to equalize the privileges of the inhabitants of this state," reported the same, without amendment.

On motion of Mr. Briggs, the title of the bill was so amended as to read "an act relating to freehold qualifications," and, thus amended, read the third time and passed in concurrence.

(H. 11.) Mr. Dillingham, from the same committee, reported the bill from the House entitled "an act repealing section 2, of chapter 29, of the Revised Statutes," with the opinion of the Committee that it ought not to pass.

And the third reading was denied.

(H. 160.) Mr. Briggs, from the Committee on the Judiciary, to whom was referred the bill from the House entitled "an act in amendment of

section 2 of chapter 43 of the Revised Statutes," reported the same, with the proposal to amend the same by striking out the second section.

And the amendment was adopted, and the bill, as amended, read the third time and passed in concurrence.

(H. 12.) Mr. Briggs, from the same Committee, reported the bill from the House entitled "an act in alteration of chapter 25 of the Revised Statutes,"

And it was read the third time, and on the question, Shall the bill pass? the yeas and nays, having been demanded by Mr. Cutts, were as follows:

Those Senators who voted in the affirmative are,

Messrs. E. Allen, Barrett, Blodgett, Briggs, Camp, Cutts, Dillingham, Eaton, Field, French, Hatch, Munsill, Plumb, Porter, Starr, and Wright,
—16.

Those Senators who voted in the negative are,

Messrs. Aiken, Bingham, Butler, Hubbell, and Sprague,—5.

So the bill was passed in concurrence.

Mr. E. Allen, from the Committee on Bills, reported that they had this day presented to the Governor, for his approval and signature, bills of the following titles:

(H. 36.) "An act to incorporate the Orange County Bank."

(H. 156.) "An act to pay the claims against the State Prison."

(H. 130.) "An act relating to the election of Representatives to Congress."

(H. 171.) "An act altering the names of the persons therein mentioned."

(H. 119.) "An act relating to the punishment of capital crimes."

(H. 142.) Mr. French, from the Committee on the Judiciary, to whom was referred the bill from the House entitled "an act in addition to chapter 80 of the Revised Statutes," reported the same, without amendment, and it was read the third time and passed in concurrence.

(H. 172.) Mr. Camp, from the Committee on Finance, to whom was referred the bills from the House entitled "an act relating to the collection of State taxes," and (H. 166) "an act in amendment of chapter 18 of the Revised Statutes," reported the same with the opinion that they ought to pass.

And the said bills were severally read the third time and passed in concurrence.

(H. 168.) The Senate took up the bill from the House entitled "an act relating to the State Library," and it was read the third time and passed in concurrence.

(H. 120.) Mr. Camp, from the Judiciary Committee, to whom was referred the bill from the House entitled "an act in amendment of an act relating to reporting decisions of the Supreme Court," reported adversely to the passage of the same,

And the third reading was refused.

(H. 71.) Mr. Camp, from the same Committee, reported the bill from the House entitled "an act directing the Treasurer to credit the town of Guildhall the sum therein mentioned," without amendment, and it was read the third time and passed in concurrence.

(H. 154.) The Senate took up the bill from the House, on the table, en-

titled "an act fixing the salary of the Librarian," and it was read the third time, and passed in concurrence.

(H. 149.) The Senate took up the bills from the House, on the table, entitled "an act to amend section 23 of chapter 21 of the Revised Statutes," and (H. 22) "an act in alteration of section 2 of chapter 21 of the Revised Statutes," and the third reading of the said bills was severally refused.

The Senate took up the following entitled bills, which had been ordered to lie upon the table, and they were severally indefinitely postponed:

(S. 75.) "An act to repeal the 16th section of chapter 1 of the Revised Statutes."

(S. 5.) "An act relating to the punishment of capital crimes."

(S. 57.) "An act in addition to 'an act relating to the Grand List,' approved November 11, 1841."

(S. 77.) "An act to repeal an act therein mentioned."

(S. 44.) "An act in addition to an act relating to Banks."

(S. 26.) "An act in addition to the 26th section, chapter 21 of the Revised Statutes."

A message from the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—His Excellency, the Governor, has this day approved and signed bills of the following titles:

(S. 71.) "An act in relation to the militia."

(S. 58.) "An act in alteration of chapter 21 of the Revised Statutes."

(S. 21.) "An act for the relief of Salma Davis and others."

(S. 65.) "An act in addition to an act to incorporate the Goshen Turnpike Company."

(S. 49.) The Senate took up the bill on the table entitled "an act in addition to chapter 24 of the Revised Statutes."

The following pending amendment, to wit:

In the third line, after the words "in the Court of Chancery," insert the words "for the foreclosure of any mortgage,"

Was adopted, and the bill, thus amended,

Ordered to be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT,—The Governor has announced to the House of Representatives that he has this day approved and signed bills of the following titles:

(H. 156.) "An act to pay the claims against the State Prison."

(H. 130.) "An act relating to the election of Representatives to Congress."

(H. 119.) "An act relating to the punishment of capital crimes."

(H. 36.) "An act to incorporate the Orange County Bank," and

(H. 171.) "An act altering the names of the persons therein mentioned."

(S. 70.) The House of Representatives have passed the bill from the Senate entitled "an act to pay Zadock Thompson the sum therein mentioned," with a proposal of amendment, in which they request the concurrence of the Senate.

(S. 70.) The Senate took into consideration the amendment proposed by the House to the bill entitled "an act to pay Zadock Thompson the sum

therein mentioned," being to strike out the words "making and publishing a zoological and botanical survey of the State," and insert the words "in preparing and publishing a natural, civil and statistical history of the State."

And the amendment was adopted in concurrence.

The petition of Lucius Sanderson, which had been laid on the table, was taken up, and on motion of Mr. Cutts, the petitioner had leave to withdraw his petition.

The Senate took up the resolution from the House, relating to the pay and mileage of Members of Congress.

Mr. Munsill moved to amend the said resolution by striking out the words "to six dollars per day, and three dollars for every twenty miles travel."

And on the question, Will the Senate so amend? the yeas and nays were demanded by Mr. Munsill, and were as follows:

Those Senators who voted in the affirmative are,
Messrs. E. Allen, Barrett, Briggs, Camp, Cutts, Dillingham, Eaton, Field, Munsill, Plumb, Porter, Sowles, Starr, and Stevens—14.

Those Senators who voted in the negative are,
Messrs. Aiken, Bingham, Blodgett, Butler, Hatch, Sprague and Wright

—7.
So the amendment was adopted.

And the question being, Will the Senate concur with the House, and pass the resolution as amended? the yeas and nays, being demanded by Mr. Cutts, were as follows:

Those Senators who voted in the affirmative are,
Messrs. Aiken, E. Allen, Barrett, Bingham, Blodgett, Briggs, Butler, Camp, Cutts, Dillingham, Eaton, Field, Hatch, Munsill, Plumb, Porter, Sowles, Sprague, Starr, Stevens, and Wright—21.

And no Senator voting in the negative, the resolution, as amended, was unanimously passed.

The Senate took up the resolutions introduced by Mr. Hubbell, relative to the Tariff, which had been ordered to lie upon the table, and Mr. Cutts moved the indefinite postponement of the same, and on this question, Mr. Smalley demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,
Messrs. E. Allen, Barrett, Briggs, Camp, Cutts, Eaton, Field, French, Munsill, Porter, Starr—11.

Those Senators who voted in the negative are,
Messrs. Aiken, Bingham, Blodgett, Butler, Dillingham, Hatch, Hubbell, Smalley, Sprague, Stevens, and Wright—11.

There appearing to be a tie, the Secretary took the casting vote of the President, which was given in the affirmative.

So the resolutions were indefinitely postponed.

The Senate took up the resolutions relative to the right of Mr. A. Allen to a seat in the Senate.

Mr. Briggs moved the indefinite postponement of the first resolution.

And this question pending,

The Senate adjourned.

AFTERNOON.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives concur in the amendments proposed by the Senate to the bill entitled (H. 112) “an act to equalize the privileges of the inhabitants of this State.”

(S. 51.) The House have passed the bill entitled “an act to pay John S. Pettibone the sum therein mentioned,” with a proposal of amendment in which they request the concurrence of the Senate.

(H. 2.) The House concur in the amendment proposed by the Senate to the bill entitled “an act to repeal ‘an act in amendment of section 63 of chapter 28 of the Revised Statutes,’” and do not concur in the amendment proposed to the bill (H. 101,) entitled “an act relating to Banks,” nor in passing the bill (S. 56,) entitled “an act defining the qualifications and rights of freemen, and for other purposes.”

(S. 51.) The Senate took into consideration the amendment proposed by the House to the bill entitled “an act to pay John S. Pettibone the sum therein mentioned,” and on the question, Will the Senate concur with the House and adopt the amendment? the yeas and nays, being demanded by Mr. Munsill, were as follows :

Those Senators who voted in the affirmative are,
Messrs. Barrett, Bingham, Blodgett, Butler, Hatch, Hubbell, Smalley, Sprague, Stevens, and Wright—10.

Those Senators who voted in the negative are,
Messrs. E. Allen, Camp, Cutts, Eaton, Field, French, Munsill, Plumb, Porter, and Starr—10.

There appearing to be a tie, the Secretary took the casting vote of the President, which was given in the affirmative.

So the amendment was concurred in.

The Senate resumed consideration of the unfinished business, being the motion to postpone indefinitely the resolution declaring Mr. A. Allen to have been a Postmaster at the time of his election to the Senate.

On this question, the yeas and nays were demanded and were as follows :

Those Senators who voted in the affirmative are,
Messrs. E. Allen, Camp, Cutts, Eaton, French, Munsill, Plumb, and Starr—8.

Those Senators who voted in the negative are,
Messrs. Barrett, Bingham, Blodgett, Butler, Hatch, Hubbell, Sprague, Stevens and Wright—9.

So the Senate refused to postpone.

The question recurring, Shall the resolution pass? the yeas and nays were demanded and were as follows:

Those Senators who voted in the affirmative are:

Messrs. Barrett, Bingham, Blodgett, Butler, Cutts, Hatch, Hubbell, Sprague, Stevens, and Wright—10.

Those Senators who voted in the negative are,

Messrs. E. Allen, Camp, Eaton, French, Munsill, and Plumb—6.

So the resolution was passed.

The question then being on the passage of the second resolution, the yeas and nays were demanded and were as follows:

Those Senators who voted in the negative are,

Messrs. E. Allen, Barrett, Bingham, Blodgett, Butler, Hatch, Hubbell, Sprague, Stevens, and Wright—10.

Those Senators who voted in the affirmative are,

Messrs. Camp, Cutts, Eaton, French, Munsill, and Starr—6.

So the resolution was adopted.

(H. 167.) Mr. Smalley, from the Committee on Roads and Canals, to whom was referred the bill from the House entitled "an act to repeal section 2 of 'an act relating to the Winooski Turnpike Company,'" reported adversely to the passage of the same, and the third reading was refused.

(S. 49.) The Senate took up the engrossed bill entitled "an act in addition to chapter 24 of the Revised Statutes," and it was read the third time and passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur in the amendments proposed by the Senate to the bill (H. 6,) entitled "an act in addition to chapter 29 of the Revised Statutes," and the bill (H. 121,) entitled "an act in addition to chapter 77 of the Revised Statutes."

The House concur with the Senate in passing the following entitled bills:

(S. 83.) "An act fixing the time for holding the County Courts in the County of Chittenden."

(S. 27.) "An act altering the 6th and defining the 32d sections of the 45th chapter of the Revised Statutes."

(S. 81.) "An act relating to the collection of Taxes."

(S. 72.) "An act in amendment of chapter 80 of the Revised Statutes," and

(S. 62.) "An act relating to Public Accounts."

(H. 150.) The House do not concur with the Senate in their amendment proposed to the bill entitled "an act to pay Chauncey Goodrich the sum therein mentioned."

Mr. Porter, from the Committee on Roads and Canals, to whom was referred the petition of William Maxham and others, reported adversely to the prayer of the petition, and the petitioners had leave to withdraw their petition.

(H. 101.) The Senate considered their amendment to the bill from the House entitled "an act relating to Banks," which was returned from the House with their non-concurrence.

And on the question, Will the Senate insist on their proposed amendment? the yeas and nays were demanded and were as follows:

Those Senators who voted in the affirmative are,
Messrs. Bingham, Blodgett, Butler, Hatch, Hubbell, Smalley, Sprague, and Wright—8.

Those Senators who voted in the negative are,
Messrs. E. Allen, Barrett, Camp, Cutts, Eaton, Field, French, Munsill, Plumb, Porter, Starr, and Stevens—12.

So the Senate resolved not to insist, and, on motion of Mr. Camp, the Senate resolved to recede from their proposed amendments.

(H. 150.) The Senate considered their amendment to the bill from the House entitled "an act to pay Chauncey Goodrich the sum therein mentioned," which had been returned non-concurred in, and, on motion, they resolved to insist upon their amendment.

Mr. E. Allen, from the Committee on Bills, reported that they had this day presented to the Governor, for his approval and signature, bills of the following titles:

(S. 68.) "An act in addition to chapter 19 of the Revised Statutes, relating to the instruction of the Deaf, and Dumb, and the Blind."

(H. 154.) "An act fixing the salary of the Librarian."

(H. 173.) "An act relating to Bank Stock."

(H. 12.) "An act in alteration of chapter 25 of the Revised Statutes."

(H. 71.) "An act directing the Treasurer to credit the town of Guildhall the sum therein mentioned."

(H. 142.) "An act in addition to chapter 80 of the Revised Statutes."

(H. 166.) "An act in amendment of chapter eighteen of the Revised Statutes."

(H. 172.) "An act relating to the collection of State Taxes."

(H. 168.) "An act relating to the State Library."

(S. 70.) "An act to pay Zadock Thompson the sum therein mentioned."

The Senate adjourned.

EVENING.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution providing for a suspension of the 13th Joint Rule of the two Houses, in which they request the concurrence of the Senate.

(H. 94.) The House concur in adopting the amendments proposed by the Senate to the bill entitled "an act relating to U. S. deposit money," to the bill (H. 160), entitled "an act in amendment of section 2 of chapter 43 of the Revised Statutes," and to the bill (H. 147), entitled "an act in addition to chapter 29 of the Revised Statutes."

The Senate took up the following resolution from the House of Representatives :

Resolved, by the Senate and House of Representatives, That the 13th Joint Rule of the two Houses be suspended until 8 o'clock this evening.

And it was passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT,—The House of Representatives have passed a bill (H. 174.) entitled "an act to pay Ferrand F. Merrill the sum therein mentioned," in which they request the concurrence of the Senate.

(H. 174.) The Senate took into consideration the bill from the House entitled "an act to pay Ferrand F. Merrill the sum therein mentioned," and it was read the first and second times and referred to the Committee on Claims.

(H. 174.) Mr. Cutts, from the Committee on Claims, to whom was referred the bill from the House entitled "an act to pay Ferrand F. Merrill the sum therein mentioned," reported the same with the opinion that the same ought to pass.

And, on motion of Mr. Camp, the rules were suspended, and the bill was read the third time and passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have resolved to insist upon their disagreement to the amendment of the Senate to the bill (H. 150) entitled "an act to pay Chauncey Goodrich the sum therein mentioned."

The House do not concur with the Senate in passing the following entitled bills :

(S. 49.) "An act in addition to chapter 24 of the Revised Statutes," and

(S. 38.) "An act to constitute a Board of Education."

Nor does the House concur in passing the resolution relating to documents referring to the early history of Vermont, and to extending the commission of Henry Stevens.

(H. 145.) The House concur with the Senate in their first, second, and third amendments to the bill entitled "an act in addition to and in alteration of an act relating to the Grand List, approved Nov. 11, 1841," and do not concur in their 4th, 5th, and 6th proposed amendments.

The Governor has announced to the House that he has, this day, approved and signed bills of the following titles :

(H. 71.) "An act directing the Treasurer to credit the town of Guildhall the sum therein mentioned."

(H. 121.) "An act in addition to chapter 77 of the Revised Statutes."

(H. 154.) "An act fixing the salary of the Librarian."

(H. 160.) "An act in amendment of section 2 of chapter 43 of the Revised Statutes."

(H. 101.) "An act relating to Banks."

(H. 173.) "An act relating to Bank Stock."

(H. 172.) "An act relating to the collection of State Taxes."

(H. 142.) "An act in addition to chapter 80 of the Revised Statutes."

(H. 2.) "An act to repeal 'an act in amendment of section 63 of chapter 28 of the Revised Statutes,'"

- (H. 112.) "An act relating to freehold qualifications."
 (H. 12.) "An act in alteration of chapter 25 of the Revised Statutes."
 (H. 168.) "An act relating to the State Library."
 (H. 166.) "An act in amendment of chapter 18 of the Revised Statutes," and
 (H. 94.) "An act relating to the trustees of the United States deposit money."

Mr. E. Allen, from the Committee on Bills, reported that they had this evening submitted to the Governor, for his approval and signature, the following entitled bills:

- (H. 2.) "An act to repeal an act in amendment of section 63 of chapter 28th of the Revised Statutes."
 (H. 112.) "An act relating to freehold qualifications."
 (H. 6.) "An act in addition to chapter 29 of the Revised Statutes."
 (H. 160.) "An act in amendment of section two of chapter 43 of the Revised Statutes."
 (H. 101.) "An act relating to Banks."
 (H. 94.) "An act relating to the United States deposit money."
 (H. 121.) "An act in addition to chapter 77 of the Revised Statutes."
 (H. 147.) "An act in addition to chapter 29 of the Revised Statutes."
 (S. 83.) "An act fixing the times for holding the County Court in the County of Chittenden."
 (S. 27.) "An act altering the 6th and defining the 32d sections of the 45th chapter of the Revised Statutes."
 (S. 81.) "An act relating to the collection of taxes."
 (S. 72.) "An act in amendment of chapter 80 of the Revised Statutes."
 (S. 51.) "An act to pay John S. Pettibone the sum therein mentioned."
 (S. 62.) "An act relating to Public Accounts."
 (H. 174.) "An act to pay Ferrand F. Merrill the sum therein mentioned."

A message from the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by His Excellency the Governor, to inform the Senate that he has approved and signed the following entitled bills:

- (S. 27.) "An act altering the 6th and defining the 32d sections of the 45th chapter of the Revised Statutes."
 (S. 51.) "An act to pay John S. Pettibone the sum therein mentioned."
 (S. 62.) "An act relating to Public Accounts."
 (S. 68.) "An act in addition to chapter 19 of the Revised Statutes, relating to the instruction of the Deaf, Dumb and Blind."
 (S. 70.) "An act to pay Zadock Thompson the sum therein mentioned."
 (S. 72.) "An act in amendment of chapter 80 of the Revised Statutes."
 (S. 81.) "An act relating to the collection of taxes."
 (S. 83.) "An act fixing the time for holding the County Court in the County of Chittenden."

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed the resolution from the Senate relating to the repudiation of State debts, with a

proposal of amendment, in which they request the concurrence of the Senate.

The House do not concur with the Senate in the proposed amendment of the resolutions relative to the pay and mileage of Members of Congress.

(H. 145.) The Senate proceeded to consider their amendments to the bill from the House entitled "an act in addition to and in alteration of an act relating to the Grand List, approved Nov. 11, 1841," which were returned from the House nonconcurring in, and

Resolved to insist upon the said amendments.

(H. 150.) The Senate proceeded to consider their amendment to the bill from the House entitled "an act to pay Chauncey Goodrich the sum therein mentioned," which was returned from the House not concurring in, and

Resolved to adhere to the said amendment.

And on motion of Mr. Cutts, the Secretary was directed to request of the House of Representatives a conference on the disagreeing votes of the two Houses on said amendment.

Mr. Smalley and Mr. Porter were appointed managers on the part of the Senate at the conference requested.

The Senate proceeded to consider their amendment to the resolution from the House relating to the pay and mileage of Members of Congress, which was returned not concurring in, and

Resolved to insist upon said amendment.

The Senate proceeded to consider the amendment of the House to their resolutions relating to the repudiation of State debts, and

Resolved not to concur therein.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed a resolution providing for a postponement of the time of payment of certain notes for money belonging to the State School Fund, drawn by agents for the University of Vermont, in which they request the concurrence of the Senate.

(H. 150.) The House adhere to their disagreement to the amendment of the Senate to the bill entitled "an act to pay Chauncey Goodrich the sum therein mentioned" agree to the conference requested by the Senate on the disagreeing vote of the two Houses thereon, and have appointed Mr. Canfield and Mr. Harrington managers at the same, on their part.

(H. 145.) The House insist on their disagreement to the amendments of the Senate to the bill entitled "an act in addition to, and in alteration of an act relating to the Grand List, approved Nov. 11, 1841"; also to the amendment of the Senate to their resolution relating to the pay and mileage of members of Congress.

The Governor has announced to the House that he has approved and signed the bills entitled

(H. 174.) "An act to pay Ferrand F. Merrill the sum therein mentioned," and

(H. 147.) "An act in addition to chapter 29 of the Revised Statutes."

The House concur with the Senate, and pass the resolutions relating to reducing postages, and abridging the franking privilege.

The Senate proceeded to consider the resolution from the House providing for a postponement of the time of payment of certain notes for money belonging to the State School Fund, drawn by agents of the University of Vermont, and

Resolved that the said resolution pass.

(H. 150.) Mr. Smalley, from the Committee of conference on the part of the Senate on the disagreeing votes of the two Houses, on the bill entitled "an act to pay Chauncey Goodrich the sum therein mentioned," reported that they have met the conferees on the part of the House of Representatives, and that they have agreed to recommend to their respective Houses, that the amount to be paid by such bill be "seven hundred and seventy-five dollars," and it was

Resolved, to concur therein, and that the bill be thus amended:

(H. 145.) The Senate proceeded to consider their amendments to the bill from the House, entitled "an act in addition to, and in alteration of, an act relating to the Grand List," approved November 11, 1841," and

Resolved to adhere to their said amendments; and on motion of Mr. Cutts,

The Secretary was directed to request a conference on the disagreeing votes of the two Houses thereon; and

Mr. Cutts, Mr. Starr and Mr. Hatch were appointed managers at the same on the part of the Senate.

The Senate proceeded to consider their amendment to the resolution from the House relating to the pay and the mileage of members of Congress; and

Resolved to adhere to said amendment.

A message from the House of Representatives by Mr. Merrill, their Clerk:

MR. PRESIDENT,—The House of Representatives adhere to their disagreement to the amendments of the Senate to the bill (H. 145) entitled "an act in addition to, and in alteration of, an act relating to the Grand List, approved Nov. 11, 1841," agree to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and have appointed Mr. Shafter, Mr. Vilas, and Mr. Rice, managers at the same, on their part.

(S. 73.) The House do not concur with the Senate in passing the bill entitled "an act directing the Commissioners of the School Fund, to cancel demands against the University of Vermont."

The House concur in the report of the Committee of Conference on the disagreeing votes of the two Houses, on the amendment of the Senate to the bill (H. 150) entitled "an act to pay Chauncey Goodrich the sum therein mentioned," and have therefore receded from their disagreement to the said amendment of the Senate, and agreed that the bill pass accordingly.

The House insist on their amendment to the resolutions from the Senate relating to the repudiation of State debts; and adhere to their disagreement to the amendment of the Senate to their resolution relating to the pay and mileage of members of Congress.

(H. 145.) Mr. Cutts, from the Committee of Conference, on the part of the Senate, on the disagreeing votes of the two Houses, on the bill from the House of Representatives entitled "an act in addition to, and in al-

teration of an act relating to the Grand List, approved Nov. 11, 1841," reported:

That they have met the conferees on the part of the House of Representatives on the disagreeing votes of the two Houses, on the said bill, and that they have agreed to recommend to their respective houses, the adoption of the following amendments:

From section 9, strike out the word "property," in the 2d line, and insert in lieu thereof the word "estate," and, from the same section, all after the words "legally bound to pay," and insert "nor for any debt for which he shall be holden as surety, and not as principal, except such principal has actually failed and become irresponsible, or as partner in any mercantile or other business, except from the partnership property, nor for any debt which shall appear to have been a gift from such person, nor for any note or other security, payable on some future uncertain day without interest; and as to the above mentioned particulars, the listers may interrogate such person under oath."

The Senate proceeded to consider the said report of the Committee of Conference, and

Resolved, That they concur therein, and that the said bill be amended accordingly; and that they recede from all their amendments except such as have been concurred in by the House of Representatives.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed certain resolutions relating to a Tariff, in which they request the concurrence of the Senate.

The House adhere to their amendment to the resolutions from the Senate relating to repudiation of State debts.

(H. 145.) The House concur in the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill entitled "an act in addition to, and in alteration of, an act relating to the Grand List, approved Nov. 11, 1841," and have, therefore, receded from their disagreement to the amendments of the Senate, and agreed that the bill pass in conformity with such report.

The Senate proceeded to consider the resolutions from the House of Representatives on the subject of a Tariff, and the question being taken, on motion of Mr. Butler, on each resolution, the Senate concurred with the House in passing the 1st, 2d, 3d, 4th, 5th, 6th, and 7th; and on the adoption of the 8th of said resolutions Mr. Butler demanded the yeas and nays,

The yeas and nays having been called by the Secretary, it appeared that there was not a quorum present.

Mr. Camp moved a call of the Senate.

Which was ordered.

And the roll having been called, of those Senators who had not been excused, Messrs. Aiken, Bingham, Briggs, Dillingham, Smalley, Sowles, Sprague, Stevens and Wright, were found to be absent from the Senate.

The Sergeant-at-Arms was directed to compel the attendance of the absentees.

A quorum being present,

Mr. Hubbell requested to be excused from service in the Senate from and after this day,

And the Senate refused to grant the request.

Mr. Plumb requested to be excused from service in the Senate, from and after this day.

And the Senate refused to grant the request.

On motion of Mr. French,

Ordered, That when the Senate adjourn, it adjourn to meet at half past four on Monday morning.

Mr. E. Allen, from the Committee on Bills, reported that they had submitted to the Governor, for his approval and signature, the following bills: (H. 150.) "An act to pay Chauncey Goodrich the sum therein mentioned," and

(H. 145.) "An act in addition to, and in alteration of, an act relating to the Grand List, approved Nov. 11, 1841."

On motion,

The Senate adjourned.

MONDAY, NOV. 14, 1842.

Prayer by the Chaplain.

On motion of Mr. Camp,

The reading of the Journal of Saturday was omitted.

Mr. Butler called up the resolutions from the House of Representatives relating to a Tariff, being the unfinished business of Saturday evening.

There appearing to be not a quorum present,

Mr. Camp moved a call of the Senate.

And it was ordered.

The roll having been called, it was found that the Senators present were Messrs. E. Allen, Barrett, Bingham, Blodgett, Butler, Camp, Eaton, French, Hatch, Hubbell, Munsill and Starr—12.

There being no quorum present, no action was taken on the unfinished business.

On motion of Mr. Starr,

Ordered, That a message be sent to the Governor informing him that the Senate have completed the business of the session, on their part, and are ready to adjourn.

Mr. Starr was appointed by the Chair, to perform that service.

The Secretary was directed to inform the House of Representatives, that the Senate having on their part, completed the business of the session, are ready to adjourn without day.

A message from the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by His Excellency the Governor to inform the Senate that he has no further communication to make to them.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

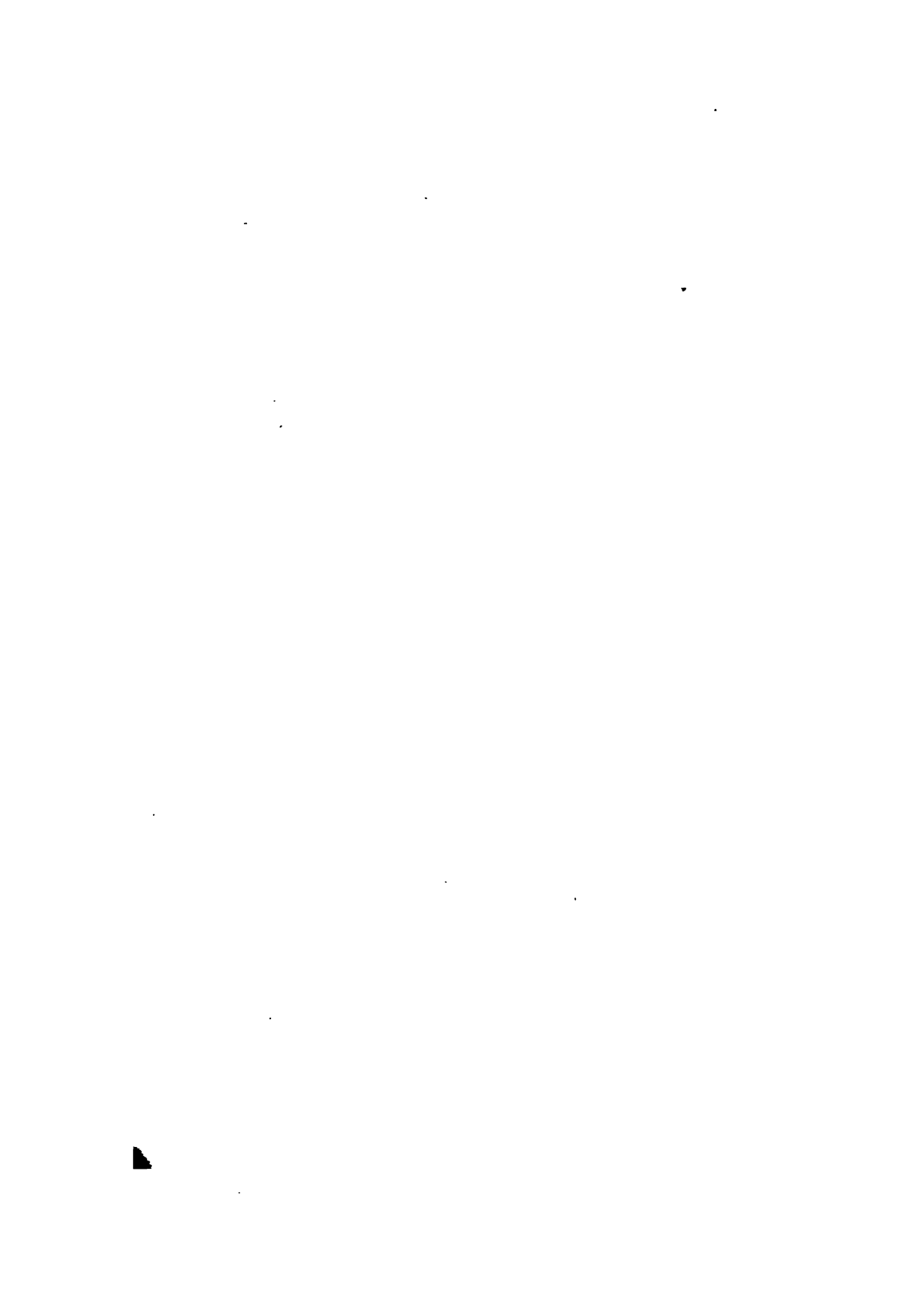
MR. PRESIDENT:—The Governor has announced to the House of Representatives that he has this day approved and signed the bill (H. 145,) entitled "an act in addition to, and in alteration of 'an act relating to the Grand List,' approved Nov. 11, 1841."

I am directed to inform the Senate that the House, having on their part, completed the business of the session, are ready to adjourn without day.

Whereupon,

The President adjourned the Senate without day.

D. W. C. CLARKE,
Secretary of the Senate.



APPENDIX.

REPORT OF THE COMMITTEE ON EDUCATION, APPOINTED BY THE GOVERNOR.

THE Committee appointed by His Excellency the Governor, in conformity with a Resolution adopted by the Legislature on the 3d of Nov., 1841, "to report such plan or plans as may be most expedient and judicious to carry into practical effect the views and suggestions contained in the Report of the Committee on Education,"—beg leave to submit to the Legislature the following:—

The Report to which your committee are referred by the resolution under which they act, begins with a reference to the Executive Message, showing a very happy agreement between the Executive and the Legislature, in regard to the general principles and objects that ought to be kept in view in all public acts touching the vital interests of education; and on comparing the two documents, it is gratifying to find those principles and objects so definitely fixed and so distinctly recognized. The appointment of your committee, and the assignment of its duties, intimates clearly enough that, in the opinion of the Legislature, the time for definitive action has arrived, when we ought to enter with all proper diligence upon a course of measures which shall result in the establishment of a complete system of education for the State.

The leading principles recognized in the Report, and by the Legislature in adopting it, are,—

That the education of the people is an interest second in importance to no other which the hand of government touches, and indeed paramount to them all.

That such a system of education, in all its branches and departments, ought to be encouraged by liberal legislation, as shall render the people of Vermont not inferior to any other in intellectual and moral culture:—and

That, to accomplish this, not only ought district schools to receive the anxious care of the Legislature, but academies and colleges should also receive the patronage of the State; and that all classes of schools and seminaries should be so

provided for and regulated as to unite them in one complete system, and give them the greatest possible efficiency for the elevation of the whole people.

Yet, although these principles are so distinctly recognized as the basis of all contemplated action, your committee have felt themselves somewhat embarrassed by doubts respecting the nature and extent of the plan or plans for carrying into practical effect the views of the Legislature,—that might be expected from them. The inquiry arose whether they should attempt to prepare an outline of a complete system of education for the State, embracing all the details of pecuniary aid, of regulation, supervision, and accountability for all classes of schools requisite to a complete system; or whether the end of our appointment would not be better attained, if, leaving that in a great measure untouched, we were merely to suggest some initiatory measures,—a plan for entering rightly upon such a course of improvement as shall promise ultimately to secure all that the Report contemplates. Several considerations have led your committee to adopt the latter course.

In the first place, the Report assumes as certain the early possession of ample funds for the immediate prosecution of any judicious plan which the Legislature, in its wisdom, might adopt. It was expected that the State, before this time, would have received something from the proceeds of the public lands, and that those lands would constitute a permanent source of revenue applicable to the purposes of education. This expectation evidently had a very great influence upon the course adopted by the Legislature last year. But thus far it has been disappointed; and the history of the past year does not encourage the belief that it would be wise or safe to make it the basis of future action in regard to so vital an interest. Nor have your committee been able to devise any plan for supplying the place of the funds alluded to, which they could rely upon as likely, at present, to command general assent, and thus constitute a safe element in the system which they might recommend.

Again, it was the expectation of the Legislature that, in the course of the year, the subject would attract such attention, and be so thoroughly discussed in the newspapers, as to prepare the public mind for definitive action. For this purpose the publication of the Report co-extensively with the

laws was ordered, and discussion invited. But your committee regret to say that the subject seems not to have awakened any general and deep interest; and that, instead of the general and earnest discussion in all quarters, which its paramount importance deserves, almost nothing has been said about it in the newspapers; and only by a single writer in one of them, we believe, has anything like a general view of it—much less a thorough discussion—been attempted. These facts—to whatever cause they may be attributed,—certainly do not indicate that, as a community, we are ready to adopt, definitively and in all its extent, a plan of State education such as the Legislature contemplated as an ultimate object.

Besides, were these objections to the immediate settlement and adoption of a complete State system of education removed, your committee acknowledge that, in the few months which have elapsed since their appointment, they have not been able to satisfy themselves in regard to all the questions involved in such a system. Even in regard to common schools, several questions of very great importance still remain matters of experiment and discussion in States that have devoted to the subject far more attention than ourselves. In regard to these, their experience does not yet furnish results on which we can confidently rely in all respects; while in regard to the proper relation of schools and seminaries of different grades to each other, and of the government to all, they give us still less aid in the way either of experience or plan.

On the whole, therefore, your committee have thought that they should best meet the wishes of the Legislature by declining the attempt to report a complete system of education for the State, and limiting themselves to the humbler task of suggesting such preparatory measures as are of immediate importance. Happily these preparatory measures are very clearly indicated by our own condition, and by the experience of our sister states.

In looking at our own condition we find that, while education is acknowledged to be the paramount interest of the State, and while the amount of funds expended in it is immense, there is hardly the shadow of supervision and accountability in regard to it. A third part of all the inhabitants of the State are connected, as teachers and pupils, with our schools, every year; and that too in the very budding time of life, when every thing that touches the intellect or the af-

fections exerts a mighty energy in fixing the permanent character of the individual, and thus of the community. If the moral influence of a school is bad—if the instruction is erroneous or defective—if the school-room and its arrangement are unpleasant and unhealthy—the effect is seen in the impaired physical energies, the undeveloped and unstored minds, and the depraved morals and manners of those who attend it. Thus the very life and energy—the enjoyment, the honor, the well-being of the whole community, is at stake. There is involved, too, an immense investment of capital and annual expenditure. We have several hundred thousand dollars invested in school houses; and the schools are kept up at an expense of many hundreds of thousands annually, besides. All this expenditure the Legislature creates, sanctions, and in some measure regulates. But, as remarked before, the whole is left without supervision or accountability. We do not know how the money is expended, or with what results. We have not even inquired what the results ought to be, or made any provision for learning what they are. As a State, we provide the funds, and leave them, and almost every thing else, in the irresponsible hands of the teachers and school committees of the different districts.

No other department of the public service is willingly left thus without supervision or control. Every where else it is our place to require accountability for the use of funds and the discharge of duties. Every where else we would take due measures to know how our legislation works, and to learn whether the results that might justly be expected, are secured by our expenditures. Why, your committee would ask, should this greatest of all interests—this greatest of all expenditures, be made an exception? Why should not the whole subject be submitted to a thorough annual examination and revision, by means of a system of accountability reaching every agent, every committee, and every teacher? Why should we not annually consult these agents, and gather up and diffuse thro' the community, by means of their reports, the results of their study and experience? Is there any better way to discover any defects, any want of efficiency, any errors and abuses in the system? Is there any class of men whose suggestions for its improvement would be more valuable? Had we found ourselves, as a State, in a similar condition of irresponsibility and ignorance in regard to any other great public interest,

should we not, first and without hesitation, order a thorough investigation of the facts? Is not this the course of the Legislature in regard to banks—in regard to the State's Prison, even? And shall an interest which involves an expense in comparison with which all other public expenditures are a trifle, and which reaches with a controlling and vital influence every fire-side and every heart, be an exception?

Thus our own condition seems to your committee to indicate plainly enough, that our first great duty in the premises is, to provide for a thorough inquiry into the facts.

In regard to the experience of other States, your committee will not trespass on the patience of the Legislature by details, or even by a general view of their educational movements, and the results. The present purpose will be answered by inviting attention to a few points.

Within the last ten years, efforts to improve the character and extend the usefulness of common schools have been made in nearly every State in the Union. In twelve, at least, of the States, the superintendence of this department has been placed in the hands of commissioners or boards, who superintend its concerns, and report annually to the Legislature. The measures adopted and the results will more distinctly appear, by selecting one or two examples.

Connecticut, it is well known, has far the largest common school fund in New England, amounting to more than \$2,000,000. The influence of so large a fund is deemed to have been unhappy. For nearly half a century prior to 1838, the statute book had shown little evidence of attention to this immense interest, on the part of the Legislature; and, as a general fact, the districts and the people had been equally negligent of their trust. The system had no energy, and there was no improvement. As to supervision and accountability, it seems to have been very much in the condition of our own. Among the results was, the withdrawal from the common schools of the children and the care of very many of the most worthy and intelligent citizens, and the expenditure of immense sums for private tuition in common school studies,—a startling proof, when the eye was once fixed upon it, that the system, with all its rich endowments, was very far from answering its legitimate purposes.

In 1837 a resolution was introduced into the Legislature and carried, providing for returns from all the common schools

in the State. In consequence, and with the aid of individuals interested in the object, returns were obtained and brought before the Legislature, at its next session, of such amount and character as led that body, with great unanimity, "to provide for the better supervision of common schools," by bringing their condition at all times before parents and local school officers, in the register to be kept by the teacher, and annually before the school societies in the reports of school visitors, and before the Legislature and the State in the report of a board of commissioners organized to superintend the whole matter. The leading object was, to collect and disseminate information in regard to existing defects and desirable improvements, as the only basis of sound legislative, local, or individual action on the subject. The board of commissioners thus established were authorized to employ a secretary, through whose agency the requisite information might be obtained, and the work of improvement commenced and carried on. The services of a very intelligent and able secretary were secured, and the work has been prosecuted with great energy and success for four years. The report of 1842 gives a general view of the results. Among them we notice,

1. The obtaining, in an authentic form, of accurate information respecting the practical working of the common school system throughout the State,—showing its excellencies, its imperfections, and its capabilities, and constituting a safe basis on which to found measures for improvement. This information has been diffused among the people in various ways, so as to be made available for the benefit of every town and every school.

2. The obtaining and diffusing, in like manner, of a vast amount of similar information, respecting the schools, school systems, and progress of popular education, in other States and countries; information abounding in examples, suggestions, and excitements well adapted to give impulse and direction to the spirit of improvement.

3. The creating of a demand in the public mind for higher qualifications in teachers, which has led to the establishment of a professorship in one of the colleges, and to arrangements in many of the academies, for courses of instruction especially adapted to such as wish to become common school teachers. The course of improvement in this respect is evidently but just begun.

4. The improvement of school houses. "More than nine-tenths of all the district school houses, erected prior to 1838," says the Secretary, "and which have not been since renovated, are incomplete and forlorn specimens, at best, of what such structures should be. They stand in, or directly on, the public highway, and not unfrequently in bleak and unsheltered situations, without any play-ground or appropriate out-buildings. They are unattractive without; and small, inconvenient, and uncomfortable, within. They are imperfectly supplied with the means of ventilation and uniform temperature. They are so lighted that the eye-sight of the scholar is not unfrequently endangered by the glare of the sun, and his attention distracted by every passing object. The seats are invariably too high; and the general arrangement and construction of the seats and desks are not calculated to promote the health, comfort, and successful labor of the pupils, or convenient supervision by the teacher. But, bad as most of them were originally, they are rendered worse by want of proper care, and timely and necessary repairs. Almost every old school house which I have visited, is hacked and disfigured, and in not a few instances disgraced by improper, profane, or licentious images." "Especially in winter, the children of our district schools are obliged to breathe an impure, stagnant, and oppressive atmosphere, the effect of which can be seen at any time after the school has been in service an hour, and especially in the afternoon, in the pale and wearied countenances, the languor and uneasiness of body and mind, especially in the younger children; and in the exhaustion and irritability of the teacher. The evil consequences of neglect in this particular often extend beyond the school room. The seeds of disease, especially of consumption, if not sown in such an atmosphere, are rapidly quickened and developed in the lungs of such as are constitutionally exposed to pulmonary complaints. * * * * * In more than seven-eighths of the school rooms which I have visited, the children were allowed less than one-half the quantity of pure air which is deemed absolutely necessary for the health and the cheerful and successful labor of prisoners in the State Prison at Weathersfield, or the county jails at Hartford, New Haven, and Norwich." The observations of your committee warrant the belief, that this description is too applicable to most of the school houses of Vermont. And we submit this opinion to members of the

Legislature coming from every part of the State, with the more confidence, because an inquiry into facts, prosecuted for several successive years, has brought before the public similar results in Massachusetts.

These facts were ascertained and published. The many evil influences, direct and indirect, on the health, manners, morals, and intellectual advancement of the children, which grew out of the bad structure and condition of school houses, were pointed out. Improved plans were procured and made known. And the result is, that more than fifty new school houses have been erected, and a greater number of old ones entirely remodeled on correct principles and with the latest improvements. More has been done within the last four years, in this respect, than for twenty previous years. Examples are thus set, and an impulse given, which must rapidly pervade the State with their durable and inestimable benefits.

5. Improvements, by the union of districts and the classification of schools. In illustration of this topic, your committee invite attention to the change effected in a single instance. In Middletown, "in 1838, there were four school districts, with 885 persons over four and under sixteen years of age. Of this number, 276, (less than one third,) attended the common schools. The poor, and those who felt but little interest in the education of their children, sent to them. The school houses were old and very much out of repair. There was no uniformity of books, and the teachers were constantly changing. There was no money raised for their support beyond the avails of the public funds. There were eight or nine private schools, taught by well-qualified and well paid teachers, and including the children of those parents who cared most for education. The aggregate expense for tuition alone in these schools was three times as great as the whole expense of the common schools. In 1839, an entirely new system of public schools was adopted. Four primary schools for children under nine years of age, under female teachers, and one high school with two departments—one for boys and the other for girls—with a male and female principal, were established. The books, studies, discipline and management of the schools were entrusted to a committee of eight members. In 1842, instead of less than one-third of the children between the ages of four and sixteen, as was formerly the

case—more than three-fourths of them are connected with the public schools; and among them are the children of the best educated and wealthiest families. Three of the old school houses have been repaired and fitted up, and a new one built, for the primary schools; and a large, substantial building erected for the high school. This house stands in the centre of a spacious lot, affording large and separate playgrounds for the boys and girls. The regular school meetings are now numerously attended; and not a week goes by without a visit to the schools from parents or strangers. The course of study embraces a thorough English education and a preparatory classical one. Nearly all the private schools have been given up, and a saving effected in this way to the parents, of nearly \$4,000 a year. The entire expense of the public schools is nearly \$2,000 less than was expended in the private schools in 1838, and the average expense per scholar is less than it was at that time. The crowning glory of the whole is, that it is a practical illustration of what can be done to make common schools good enough for the richest and cheap enough for the poorest, and thus to make the advantages of a good education common to the rich and poor.”

It may be objected that this example, being from a large village, is not applicable to our towns generally; but your committee apprehend that, in principle, it is entirely so; and would remark that, in one instance, at least, as will be seen more fully hereafter, a similar course has already been adopted, with the like admirable results, among ourselves.

6. A general spirit of improvement throughout the community; so that the attendance at school meetings is more numerous—teachers are more strictly examined—schools more often and more carefully inspected—a greater uniformity and excellency of school books secured—the services of good teachers in better demand, and longer retained in the same school—the superiority of female teachers for the younger children more generally appreciated—the number and expense of private schools diminished—and a far more general disposition excited among intelligent men, to make themselves acquainted with what is done in this and other countries to give a more thorough and adequate education to every human being.

All this has been accomplished, your committee would again remark, chiefly by collecting information and diffusing it among

the people, and leaving it to exert upon intelligent and patriotic citizens its natural influence. The law has been thoroughly revised, but only so far altered as to give free action to the impulse thus called forth, and furnish it the requisite facilities for accomplishing its ends. And it has been done at a trifling expense. The whole, including the secretary's salary, and the cost of numerous and invaluable publications that have been sent into every district in the State, with all the priceless results, have drawn from the public treasury less than \$6,000—less than \$1,500 a year—less than the people of Vermont have paid annually for killing foxes! If the people of the State, or any part of them, have expended more in the service, it has been voluntarily and gladly done—an expenditure that was regarded as a privilege at the time, and in looking back upon which they rejoice.

Similar, in regard to the previous state of the schools, have been the results of investigations in Massachusetts, which commenced one year earlier than in Connecticut. The secretary's second report, made in 1839, states, that "the common school system of Massachusetts had fallen into a state of general unsoundness and debility; that a great majority of the school houses were not only ill-adapted to encourage mental effort, but, in many cases, were absolutely perilous to the health and symmetrical growth of the children; that the schools were under a sleepy supervision; that many of the most intelligent and wealthy citizens had become estranged from their welfare," &c. And a more careful investigation in subsequent years led to the conclusion that half the benefit of common schools was lost, and of course half the expense of them wasted, merely from the single fact of unnecessary irregularity in the attendance of the children—that there was money enough expended in the State for instruction in common school studies to keep open free schools for all the children in the State, with as good instruction as they now have, eleven months in the year; while in fact, a large part of it being expended for private schools, the public schools were kept, on an average, but seven months and ten days—that there was an immense waste of funds in employing male teachers for the younger children, who, by proper arrangement and classification, might be put under the care of female teachers for the year, with far greater advantage to themselves—and that the efficiency of the schools for good might be

increased beyond previous conception by the general introduction of the best apparatus and books, and by improved methods of teaching and discipline.

The results of laying this information before the people have been, perhaps, still more important and full of promise than in Connecticut. Normal schools for the education of teachers have been established under the patronage of the State; a liberal appropriation has been made to encourage the establishment of district libraries; more school houses were erected in 1840 than during ten years previous to the present movement; better men serve on school committees; the schools are more strictly superintended; the attendance is more regular; the supposed necessity for private schools, which were supported because the public schools were so poor, is in many places done away, and the rich avail themselves of just that instruction for their children which is given to the poor, because it is the best that can be had; and the system is so arranged that every valuable suggestion made by any committee, no matter where situated—no matter how little known—goes to increase the common light. The annual school returns show the mature opinions of some hundreds of the best minds in the Commonwealth; men of high intelligence, of enlarged views, full of philanthropy and practical experience, earnestly engaged in devising means for the improvement of common schools. Their opinions, and the facts on which they are grounded, are embodied in reports which are read in open town meeting, accepted as expressing the opinions of the assembled citizens, and then sent up to the State board, to become part of the common stock of fact and suggestion, and made available for the benefit of every district, and thus of every individual, in the Commonwealth.

It would be arrogating quite too much to the intelligence and public spirit of the people of Vermont, to suppose our schools, which are certainly not under a *more* efficient system of supervision and accountability than those of Massachusetts and Connecticut were six years ago, to be in a condition essentially better; it will be assuming enough to go on the supposition that our system is in as good and healthful a state as theirs then was. But it is now clear, on the slightest examination of the documents, that an investigation in those States was imperiously demanded. Existing evils were found to be absolutely intolerable; while to have attempted the improve-

ment of the system without a thorough inquiry into its state, would have been to legislate in the dark. And who can glance at the results without acknowledging them to have been unexpectedly great and happy, and such as would a thousand times repay any community for three or four years of the most liberal expenditure and most laborious effort? Is it a trifling matter to be able to say, of the public schools of a whole town, as we find it said by a very intelligent committee in Massachusetts, "that they afford as good means of education as money can buy?" that the "poorest citizens may feel satisfied that, if they will send their children punctually and regularly to school, from the age of four or six years to sixteen, they will enjoy as good privileges as the rich can obtain at any price, and will be as thoroughly educated, whether on the point of manners and morals, or of studies, and orderly habits, and literary progress?"

Indeed, your committee might appeal, in confirmation of these views, to the example of one of our own villages.

"Brattleboro', East Village, is comprised within one school district. It contains about 1500 inhabitants, not far from 400 of whom are from four to eighteen years of age. The average attendance at our schools is about 300. We have five public schools, four taught by females, the other by a male teacher. They continue through the year, with the exception of vacations amounting to two months or more. Children are admitted into the primary schools, those taught by females, at the age of four years, and remain there till eleven years of age, or until qualified to enter the central school, that under the charge of a male teacher. The houses of the primary schools are located in different parts of the village, to accommodate the children in every section of the district. The building for the central school is near the centre of the village, so that the children at the extremes of the district are but little more than a mile distant from it.—The children in the primary schools are required to go through a prescribed course of studies preparatory to the central school. On arriving at eleven years of age, if they can pass a satisfactory examination, they are admitted into the central school; if they cannot then pass a satisfactory examination, they remain in the primary schools till they can. All, however, on arriving at fourteen years of age, are admitted into the central school, whether they can pass a satisfactory examination or not. In the central school besides the common branches, the higher branches of an English education are taught. The prudential committee, assisted by a special committee chosen for the purpose, are authorised by the district to recommend the books to be used in the schools, to point out the course of studies to be pursued, and to classify the scholars.

"Formerly we had four public schools, taught in summer by females, in winter by males, or partly by males and partly by females. We had also about the same number of private or select schools, some under the charge of male and some under the charge of female teachers, all of which are now discontinued. There was, under that system, or rather no-system, a constant change of teachers, and of course a frequent change

of books, of the course of studies, and of modes of instruction and discipline. The interest of parents was distracted, each naturally caring more for the school where his children were instructed; invidious distinctions were created, money was wasted, no good moral influences were exerted, and little was done even for the intellect. The evils of that no-system became so glaring, that the whole village rose, almost to a man, and resolved to have a reform.

“The advantages of our present system are found to be important. It is democratic. All our children are brought together. The children of the poor and of the rich stand side by side, and merit alone decides the rank of each. The expenses are paid by the property of the district, so that the children of the poor have equal advantages of education with those of the wealthy. The influence, the talents, and the pecuniary resources of the village, are concentrated on the system of popular education; and this affords one subject of common interest for all sects, all classes, and all parties, and does not a little to smooth down the asperities of feeling, and to harmonize diversities of conflicting interests. Employing our teachers for a longer period, they become attached to us; we take a greater personal interest in them; we begin to learn their social importance in society; to regard their station as the first in the community; and their influence next to that of parents, as having the greatest bearing on the character and destiny of the young. By having a course of studies pointed out for our children, so that they can advance regularly from branch to branch, they make much more rapid progress than formerly, obtain the same amount of knowledge in a much shorter period, and acquire a far better education in the same length of time. But perhaps the greatest benefit which is produced by our school system, is the moral influence it exerts. We already perceive a decided improvement in the manners and conduct of the pupils of all our schools, much of which we attribute to the introduction of singing as a part of the daily exercises.—The instructor of the central school has taken great pains to interest his pupils in ennobling and elevating pursuits. He has turned their attention to the study of geology, mineralogy, chemistry, to the cultivation and care of ornamental trees, &c., which occupies their thoughts while out of school, and inspires them with purer and higher desires and aims. By the strict order and method introduced into the schools, by the punctuality and promptness required, and by the propriety of conduct enforced, much has already been done by all our teachers, for the promotion of good manners and good morals. It is thought by good judges that the additional value which our present system of education has given to the property of the village, is more than enough to counterbalance the additional expenses incurred.”

The experience of our sister States, therefore, and experience among ourselves, so far as we have it, lead to the same conclusion at which we arrived by a glance at our own general condition, viz: that a thorough inquiry into the state of education among us ought to be the first step, as constituting the only basis of appropriate legislation for its improvement. But your committee are also bound to remark that that experience seems to them too limited, the investigations incomplete, and the example to be followed with caution and thoughtfulness, as not without its dangers.

It will have been noticed, that the whole energy of investigation and effort in our sister States has been devoted to a single department of what should constitute a state system of education, viz: to common or primary schools. Higher schools have been touched only so far as they may have an immediate and palpable bearing on these in the way of furnishing teachers trained especially for the purpose. The common school system, as it is called—as if it could be a *system*, complete in itself and independent of any higher education—has been taken up apart—severed from its legitimate connection with higher seminaries; and an attempt is made to supply its wants without bringing the latter directly into the service as part of the same whole. In legislation it is a divorce between the higher education and the lower; a divorce which, your committee would say with deference but with strong conviction, cannot be justified on any grounds of sound reason or experience, and must be dangerous to the interests of education in all its branches, and to the well-being of the community. In this respect your committee cannot express too strongly their concurrence in the opinion of the Legislature, as embodied in the last year's report of the House, that it is the true policy and duty of a State to encourage and foster, by liberal legislation, "a wise system of education *in all its branches and departments.*" It should be a system; it should be one; all its parts should be intimately connected with each other by the closest ties of reciprocal influence and benefit.

It may, indeed, be urged, and with *some* truth, that a vigorous prosecution of measures for the improvement of common schools, will naturally reach the higher seminaries. Such a result is, doubtless, to a certain extent, inevitable. In a New England community the true idea of a State system will manifest itself more or less, even when the government fails to recognize its existence. The idea possesses the public mind, and *must* act upon all educational movements. You cannot touch a part of the system without reaching, for good or for evil, the whole. But it by no means follows, that the government may therefore wisely or safely limit its supervision and patronage to a single department; for it belongs to the wisdom of the Legislature to recognize the idea and to realize it, and for that end to bestow its attention and its fostering care upon the system as a whole.

Nor, were the fostering care of government to be confin-

ed to some one part of the system, would it follow that common schools must be that part. What the system most needs is, the spirit of learning kept alive and vigorous in all its departments. This spirit is strongest, and most vital and diffusive, where there is the highest culture. The higher seminaries are the head and heart of an educational system; it is from them that the warm life-blood and the informing and moving power must go out. It is well argued in the report of last year, to which your committee have so often referred, that "without some standard of education higher than that of common schools, *their* standard cannot be raised;" and it might be added, that, without a more energetic spirit of learning than they embody, that spirit cannot be elevated or even kept alive in them at all. The facts that have been adduced from the Connecticut and Massachusetts reports show abundantly how necessary it is to keep the highest intellectual culture in close contact with common schools. Whenever the intercourse between the two has been much interrupted by the establishment of private schools, the common schools have lost their interest and their life, and have failed to furnish, even to those who attend them, half their wonted benefits. It is a characteristic of modern civilization, that, by means of the press and an educational *system*, the results of the mightiest intellectual energies, and all the lights of purity and honor that beam forth from the noblest and the best, become almost at once the property and are made to contribute to the well-being of the humblest citizen. It is the business of the Legislature, so far as in its legitimate sphere it touches the subject, to foster this blessed intercommunication. To make it perfect, the whole educational system must be cared for. It is only while the system remains entire and is duly cherished in all its parts alike, that the sap of life flows freely, and the development is every where vigorous and beautiful. The arrangement ought studiously to be made such as to secure for common schools the greatest possible influence from the higher seminaries. This was well argued by the committee last year from facts noticeable among ourselves. It is seen every where, that when the higher seminaries sustain their proper relation to common schools, the influence is salutary in the highest degree. But when false and abnormal relations exist between the two,—when they no longer constitute parts of one system, the result is disastrous. "Schools, academies, and colleges," says the President of the American

Institute of Instruction, "should form distinct parts of the same system." "If the academies are brought into competition, as it were, with the schools, the influence of the academies has been found to be altogether bad; because they draw from the common schools the children of those whose influence is every thing to them." "If, on the other hand, academies are kept within their legitimate sphere—if they admit only those who have gone through a common school course,—then the effect of academies on the schools will be good. Such an academy in the neighborhood of a common school, will elevate the standard of education in that school." This would be the natural result of the mere juxtaposition of the two.—The spirit of the higher would pervade, more or less, the lower. How much stronger and more happy might the influence be made, by establishing fully between them the relations that they ought to sustain, as parts of a system!

While your committee are fully aware, therefore, of the immense work to be done for perfecting common schools in all their arrangements and details, they would keep no less distinctly in view the means of infusing into these arrangements and details a proper spirit. Doubtless activity and interest may be awakened and kept up for a time, by confining attention and effort to common schools themselves. But legislative action should be guided by a wise regard to permanent influences and results. And therefore it is, that while the examples of our sister States ought to fix our attention and may well serve to guide us in many respects, your committee have deemed it a duty, in referring to those examples, to show wherein they seem to be imperfect, if not dangerous guides.

As the first practical measure, therefore, to be adopted for carrying into effect the views of the Legislature, your committee would recommend the appointment of a Board of Education, charged with the consideration of the whole subject; with authority to employ a secretary; and with instructions, as a first duty, to investigate and report upon the state of education among us in all its departments, the amount of money, sources, and condition, of all funds devoted to it. And further, that, to facilitate the labors of this board, proper measures be taken to procure for their use, by legislative authority, adequate returns from teachers and school committees.

Which is respectfully submitted.

For the committee, E. C. TRACY, Chairman.
Montpelier, Oct. 22, 1842.

REPORT OF THE AUDITOR IN THE TREASURY DEPARTMENT.

To his Excellency, the Governor of the State of Vermont :

The undersigned, Auditor in the Treasury, having attended to the duties assigned him by law, submits the following report of the operations of the Treasury Department, from the 14th day of October last, the day on which the present Treasurer came into that office, up to the 30th day of Sept. 1842 :—

The State of Vermont in account with JOHN SPALDING, ESQUIRE, Treasurer :

DEBTOR.

To cash paid debenture of the General Assembly,	\$15,719 98
debenture of Council of Censors,	895 20
Governor Jenison, balance of last year's salary,	150 00
Governor Paine, three fourths of present year's salary,	562 50
Judges of Supreme Court their salaries for present and part of past year,	8029 88
deduct fees by them receiv'd in civil suits,	3130 38
	4,899 50
Supreme and County Court orders,	26,109 07
Auditor's orders,	9,825 71
A. Sabin, Secretary of State, half year's salary,	137 50
F. F. Merrill, Clerk of the House, one half of last year and one half of this year's salary,	275 00
A. L. Brown, Assistant Clerk, half year's salary,	62 50
D. W. C. Clarke, Secretary of the Senate, half year's salary,	125 00
E. A. Stansbury, Ass't Secretary of Senate, one half of last year and one half of this year's salary,	125 00
Geo. B. Manser, Secretary of Civil and Military Affairs, one half of last year's salary,	100 00
H. Hale, Secretary of Civil and Military Affairs, one year's salary in part,	150 00
Oel Billings, Engrossing Clerk, one half of last year and one half of this year's salary,	150 00
A. W. Kinney, Librarian, his salary for present year and one half of last year,	112 50
Wm. Weston, Reporter of Decisions of Supreme Court, three quarters of a year's salary,	337 50
D. Pierce, Auditor of Accounts, one year's salary,	150 00
E. S. Camp, Sargeant-at-Arms, salary,	75 00
F. W. Hopkins, Adjutant and Inspector General, one year's salary,	250 00
John Spalding, Treasurer, and Commissioner of School Fund,	500 00

APPENDIX.

To cash paid Commissioners of deaf, dumb and blind,	2,907	98
drafts of Adjutant General, and Commd't of Reg.,		
expense of drills, &c.	907	15
special appropriations by acts of legislature,	3,262	44
fox certificates,	1,220	25
bear do.	203	00
wolf do.	60	00
crow do.	3	20
cocoon and silk premiums,	1,891	17
town of Woodford, interest on surp. money,	56	57
do. Concord, do.	147	67
do. Canaan, do.	53	42
do. Williston, do.	230	31
do. Lemington, do.	52	42
do. Vergennes, do.	143	09
do. St George, do.	19	33
do. Marlboro', do.	174	46
		877 27
A. Willard, on loan to state of \$5,000,	2,000	00
do. interest on said loan,	300	00
		2,300 00
Bank of Burlington, on loan to the state of		
\$5,000,	3,000	00
do. interest on said loan,	288	25
		3,288 25
Bank of Montpelier, on loan,	320	00
do. interest on said loan,	70	94
		390 94
Int. on advances, to B'k of Burlington, bal. due last		
year,	6	88
do. Bank of Rutland, do.	6	35
do. B'k of Bellows Falls, do.	6	00
do. Bank of Brattleboro', do.	8	99
do. Bank of Caledonia, do.	77	
		28 99
do. Bank of Caledonia, bal. due this year,	2	08
J. R. Langdon, interest on loan to the state,	300	00
Bank of St. Albans, interest on account of safety fund,	17	57
cash loaned on account of safety fund,	1,800	00
cash paid sundry towns on new distribution of		
surplus revenue,	34,239	07
Balance in the Treasury,	9,368	50
		\$123,779 79

CREDIT.

By balance in the Treasury on the 14th Oct., 1841,	2,007	99
By cash received for taxes, principal,	55,377	60
interest on arrearage of taxes,	1,077	09—56,454 69
received on liquidated claim against town		
of Montpelier,	50	00
interest on said claim,	16	50—66 50

APPENDIX.

19

By cash interest on R. & M. Beach's note to State Treasurer,	26	68	
received of D. Pierce, agent,	100	00	
received of the several State's Attorneys,	5,711	83	
of Clerks of Supreme and County courts,	431	94	
principal paid on school fund notes,	10,202	07	
interest paid on the same,	3,415	00	—13,617 07
for pedlers' licenses,			1,252 06
received from Banks, dividends for school			
fund,—Bank of St. Albans,	200	00	
Farmers' Bank,	541	37	
Bank of Orange County,	240	00	
Bank of Woodstock,	600	00	
Bank of Middlebury, . . .	506	25	
Manchester Bank,	233	33	
Bank of Brattleboro,' . . .	636	33	
Bank of Burlington,	360	40	
Bank of Bellows Falls,	400	00	
Farmers and Mechanics' Bank,	381	50	
Bank of Rutland,	240	00	—4,339 18
received on claims of Vermont State Bank,	814	97	
interest received on same,	113	65	—928 62
safety fund contributions from sundry Banks,			4,583 24
By Cash received of sundry towns, on new distribution of Sur-			
plus Revenue,			34,259 99
			<u>\$123,779 79</u>

Which is respectfully submitted,
 JOSEPH BERRY, Auditor.

Montpelier, September 30, 1842.

REPORT OF THE AUDITOR IN THE TREASURY
ON THE SCHOOL FUND.

To his Excellency, the Governor of the State of Vermont :

The undersigned, Auditor in the Treasury, in pursuance of the requirements of the law, having examined the accounts of the Commissioner of the School Fund, during the fiscal year ending the 30th day of September, 1842, makes the following report of the "state of the fund and of all matters relating to it :"

Said fund, on the day last mentioned, amounted to the sum of \$184,942 22
Of which the sum of \$151,417 08
was lying on loan to the State, and 30,509 91
principal, and the interest thereon amounting to 3,015 23—184,942 22
was lying on loan to individuals, secured by notes of hand.

Since my report on the same subject, of the 26th of October, 1842, made in pursuance of resolutions of the House of Representatives of the 20th and 21st of the same month, by which it appears that the sum due from the State to said fund on the 30th Sept. 1841, was \$119,637 19

there has been received from all sources, since the period last mentioned, viz :

From pedlars' licenses,	1,454 56
bank dividends,	7,855 09
collections on account of the Vt. State Bank,	814 97
of interest from the same source,	113 65
on principal of notes of individuals,	10,202 07
of interest on said notes,	3,523 21
for interest charged State on above loans,	7,816 34—151,417 08

All which is respectfully submitted,

JOSEPH BERRY, *Auditor.*

Montpelier, Sept. 30, 1842.

REPORT OF THE TREASURER UPON THE STATE
OF THE SAFETY FUND.

TREASURER'S OFFICE,
MONTPELIER, Oct. 22d, 1842. }

SIR,—I herewith transmit a statement showing the amount
and condition of the Safety Fund, on the 30th September,
A. D. 1842.

I have the honor to be, sir,
very respectfully, your obd't serv't.

JOHN SPALDING, *Treas.*

TO HIS EXCELLENCY THE GOVERNOR.

There has been contributed from the several Safety Fund Banks to the
Safety Fund the sum of \$26,730 07
There is loaned to the state of Vermont from this
Fund, \$21,860 64
To various individuals the sum of 4,869 43
\$26,730 07

The contributions have been from the following banks, viz.:

Bank of Bellows Falls,	\$2,250
Middlebury,	2,700
Essex County,	825
Woodstock,	2,250
Orleans,	1,350
Newbury,	2,250
Manchester,	3,150
Farmers' Bank,	2,700
Farmers' and Mechanics' Bank,	4,725
Bank of Brattleboro'	2,700
St. Albans,	667 81
Vergennes,	450
Rutland,	604 26
Poultney,	108
	—————\$26,730 07

I notice in the Report of the Treasurer, on the 13th of Oct. 1841, he
reports in the Safety Fund that the interest is included. By law, the in-
terest is due yearly to the banks contributing the fund, and should be paid
to them, after deducting the expenses of the Bank Commissioner.
The interest which has accrued to the Safety Fund Banks, computed

APPENDIX.

to the first day of October, 1842, amounts to	\$8,199 38
The charges against this interest on the 1st October amounted to	\$1,264 00
The interest on those charges,	450 30—1,714 30
	<u>\$6,485 08</u>

On the 30th Sept. 1841, there was paid to the Bank of Orleans as interest,	\$250 00
Interest on same to Oct. 1, 1842,	15 00
Oct. 25th, 1841, there was paid to the Bank of St. Albans as interest,	17 57
Interest on same to Oct. 1, 1842,	1 03—283 60

Leaving a balance of interest unpaid on the 1st day of Oct. 1842, \$6,201 48

JOHN SPALDING, *Treasurer.*

October 22d, 1842.

APPENDIX.

AUDITOR'S ABSTRACT.

An abstract of all orders drawn on the Treasurer of the State of Vermont, since the 5th day of October, 1841, to the 15th day of September, 1842, by the Auditor of Accounts.

DATE.	NO.	CLAIMANTS.	AMOUNT.
Oct 14, 1841	1	Gates Perry jr., sh'ff, for distributing packages,	\$24 56
	2	John Colby, Com. deaf, dumb and blind, for paid cash &c. in that office,	80 69
	3	Martin Armstrong, sh'ff, for distributing packages,	18 00
15,	4	P. S. Camp, jailor, for boarding State prisoners,	6 44
	5	Town of Panton, for error in State tax,	6 30
	6	George A. Allen, sh'ff, for distributing packages,	20 00
	7	Merrill Williams, sh'ff, for like services,	24 00
	8	Sundry persons, for services at court martial,	52 50
	9	Gary Whitney, sh'ff, for distributing packages,	12 00
	10	Henry Stowell, Com. deaf, dumb and blind, for services in that office,	16 19
	11	D. R. Bogue, sh'ff, for boarding State prisoners,	133 58
16,	12	Robert Pierpoint, Bank Com'r, for services in that office,	48 00
18,		Same, for settling Sup. State Prison accounts,	13 86
	14	Town of West Fairlee, for error in State tax,	13 48
	15	Adnah Smith, sh'ff, for distributing packages,	20 00
19,	16	D. R. Bogue, sh'ff, for the like services,	5 00
	17	Gary Whitney, sh'ff, for boarding State prisoners,	2 00
20,	18	Riverius Camp, late sh'ff, for distributing packages,	5 00
21,		S. H. Jenison, late Governor, for paid postage bill, official,	37 76
	20	Town of Burke, for error in State tax,	19 74
	21	Asa Story, late sh'ff, for distributing packages,	10 00
22,	22	Town of Burlington, for error in State tax,	36 56
	23	Same, for paid boarding State paupers,	115 09
	24	Town of Concord, for error in State tax,	13 03
	25	Town of Maidstone, for error in State tax,	1 68
23,	26	Marshall Miller, clerk &c., for canvassing votes for Council of Censors,	26 90
	27	Greenleaf Webb, sh'ff, for distributing packages,	16 00
	28	F. F. Merrill, Clerk House, for stationery and paid probate fees, &c.,	10 88
	29,	James Morse, colonel, for collecting State arms,	8 00
26,	30	Erastus S. Camp, Serg't at Arms, for paid cleansing State House,	14 00
	29,	Same, for paid cleansing windows,	16 50
30,	32	Chauncey Goodrich, for distributing acts of 1840 to sheriffs,	60 00

APPENDIX.

DATE.	NO	CLAIMANTS.	AMOUNT.
Nov. 1, 1841	34	Henry F. Janes, late Treasurer, for paid bill postage, official,	\$53 77
	33	Joseph Berry, Auditor, (Treasury,) for time &c. in that office,	77 49
	35	D. Rich, Q. M. General, for time and cash paid military service,	1,068 62
3,	34	E. P. Walton & Sons, for State Printing,	195 40
	34	Charles H. Severance, for like service,	1 50
	35	Allen Wardner, for attending to labor of S. P. convicts,	12 74
4,	36	G. H. Smith, sh'ff, for distributing packages,	20 00
	37	Flagg & Abbot, for stone post at State House,	6 00
	38	Wm. Barron, late sh'ff, for distributing packages,	20 00
5,	39	Merritt Clark, Inspector &c. (military,) for paid State printing,	7 00
	40	John Moulton, for services before committee of House,	16 50
	41	John T. Freeman for like service,	18 30
6,	42	Geo. C. Pratt, for serving subpoena on witness,	6 95
	43	Wm. E. Trask, for service as witness,	18 30
	44	George Smith for like service,	18 30
8,	45	Wm. Hutchinson, for like service,	18 30
	46	Samuel I. Russell, for like service,	18 30
	47	John Currier, sh'ff, for boarding State prisoners,	115 73
9,	48	Anson Davis, jailor, for boarding State prisoner,	89 76
	49	Urias Daman, for services as witness before committee,	18 30
	50	Rufus L. Harvey, for the like service,	18 90
10,	51	Isaiah Silver, sh'ff, for distributing packages,	20 00
	52	L. Sargeant, Com. deaf, dumb and blind, for services in that office,	77 26
	53	E. S. Camp, Serg't-at-Arms, for services in that office,	147 74
11,	54	Henry F. Janes, for time settling with L. Egerton,	12 83
	55	E. P. Walton & Sons, for State printing and stationery,	486 08
	56	J. T. Marston, for newspapers for legislature,	19 70
14,	57	C. L. Knapp, Sec. State, for postage &c.,	13 98
	58	E. S. Camp, Serg't-at-Arms, for services in that office,	147 23
	59	Same, for like services,	115 64
30,	60	E. P. Walton & Sons, for stationery, printing, &c.,	599 47
	61	E. S. Camp, Serg't-at-arms. for paid attendants on State House,	279 00
	62	C. L. Knapp, for newspapers for legislature,	3 20
Dec. 5,	63	Esec Atwood, jailor, for clothing State prisoners,	20 30
	64	Same, for boarding State prisoners,	73 76
	65	Anson Davis, jailor, for boarding State prisoners,	81 82
6,	66	L. S. Noble, jailor, for like service,	74 24
	67	John C. Haswell, for State printing,	22 76
	68	John Currier, sh'ff, for boarding State prisoners,	17 66
9,	69	Robinson & Southmade, for State printing,	15 00

APPENDIX.

DATE.	NO	CLAIMANTS.	AMOUNT.
Dec. 10, 1841	70	C. L. Knapp, for State printing,	43 26
13,	71	George W. Nichols, for like services,	22 76
18,	72	A. G. Chadwick, for like services,	15 00
15,	73	E. Davis, for like services,	15 00
	74	E. B. Whitney, for like services,	22 76
	75	Ira Parsons, sh'ff, for boarding State prisoners,	69 24
24,	76	David Low, jailor, for like services,	68 54
23,	77	E. S. Camp, Serg't-at-Arms, for services and cash paid in that office,	39 13
24,	78	Town of Manchester, for error in State tax,	67 89
28,	79	Tracy & Severance, for State printing,	14 91
31,	80	O. S. Murray, for like services,	15 00
	81	H. B. Stacy, for like services,	15 00
	82	E. W. Blaisdell, for like services,	15 00
Jan. 3, 1842	83	Zerah Lull, jailor, for boarding State prisoners,	43 27
10,	84	Wm. E. Ryther, for State printing,	15 00
	85	Nathaniel Daggett jr., for like services,	65 89
11,	86	Chauncey Goodrich, for stationery and paid engraving State seal,	180 85
	87	Haskell & Palmer, for State printing,	16 00
12,	88	J. Poland, for like services,	15 00
17,	89	White & Gurnsey, for like services,	32 31
	90	J. Dorrance, jailor, for boarding State prisoners,	124 23
22,	91	E. P. Walton & Sons, for State printing,	423 73
	92	J. M. Sears, for like services,	15 00
26,	93	Town of Bridgewater, for error in State tax,	5 09
Feb. 3,	94	Esec Atwood, jailor, for boarding State prisoners,	63 17
7,	95	Bishop & Winslow, for State printing,	15 00
26,	96	Wm. E. Ryther, for like services,	7 76
28,	97	Chauncey Goodrich for like services,	7 40
March 2,	98	Haskell & Palmer, for like services,	14 00
5,	99	C. G. Eastman, for like services,	15 00
7,	100	Charles Howes, jailor, for boarding State prisoners,	58 18
12,	101	Wm. T. Burnham, Serg't-at-Arms, for paid for wood for State House,	18 34
14,	102	E. P. Walton & Sons, for State printing,	154 40
18,	103	Wm. T. Burnham, Serg't-at arms, for cash paid for wood &c.,	46 50
19,	104	N. H. Eaton, for State printing,	15 00
	105	E. Davis, for like service,	7 76
	106	Asa Story, for clothing State prisoners,	12 43
	107	Ira Parsons, sh'ff, for boarding State prisoners,	33 57
22,	108	Chauncey Goodrich, for State printing,	261 77
29,	109	Esec Atwood, for boarding State prisoners,	19 50
	110	C. Goodrich, for paid for notarial seal &c.,	54 50
April 5,	111	Zerah Lull, jailor, for boarding State prisoners,	290 40
	112	E. P. Walton & Sons, for State printing,	1,049 47
12,	113	Zerah Lull, jailor, for boarding State prisoners,	41 82
May 6,	114	D. R. Bogue, sh'ff, for like service,	123 99
	115	Jeptha Bradley, for State printing,	15 00
	116	J. W. Moore, for like service,	15 00

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DATE.	NO.	CLAIMANTS.	AMOUNT.
May 18, 1842	117	Town of Woodstock, for error in State tax,	\$33 57
23,	118	Francis Slason, Director S. Prison, for time and expense in that service,	68 38
June 2,	119	Charles Howes, jailor, for boarding State prisoners,	49 95
20,	120	O. P. Chandler, Com. deaf, dumb and blind, for services in that office,	43 34
23,	121	David Low, jailor, for boarding State prisoners,	286 50
	122	G. H. Smith, sh'ff, for like services,	27 85
	123	Joel Lull, sh'ff, for distributing packages,	24 00
July 1,	124	J. Dorrance, jailor, for boarding State prisoners,	32 90
	125	Zerah Lull, jailor, for like service,	102 79
11,	126	Nathaniel Daggett jr., for like service,	182 65
14	127	Esec Atwood, jailor, for like service,	10 00
Aug. 8,	128	C. L. Knapp, Sec. of State, for State printing,	11 39
	129	Jacob Egerton, for distributing packages,	31 25
Sept. 1,	130	E. P. Walton & Sons, for State printing, binding books, &c.,	71 55
10,	131	State Treasurer, for paid for combination lock for treasury,	100 00
	132	Ch's Howes, jailor, for boarding State prisoners,	83 65
16,	133	David Love, jailor, for like services,	66 85
			<u>\$9,810 39</u>

AUDITOR'S OFFICE, Woodstock, Sept. 30, 1842.

I hereby certify, that the preceding is a correct abstract of all orders drawn on the Treasury of the State of Vermont, on accounts by me allowed, as Auditor of Accounts, since the 5th day of October, 1841, to this 30th day of September, 1842, amounting to the sum of nine thousand eight hundred and ten dollars and thirty-nine cents. \$9,810 39.

DAVID PIERCE, Auditor of Accounts.

HIS EXCELLENCY, CHARLES PAINE,
Governor of the State of Vermont.

REPORT OF THE BANK COMMISSIONER.

To his Excellency, Charles Paine, Governor of the State of Vermont:

The undersigned, Bank Commissioner of the State of Vermont, respectfully reports that he has inspected the Banks of this state, subject to the provisions of the act regulating the chartering of banks, and finds the condition of those banks to be as follows:

APPENDIX.

<i>BANK OF MIDDLEBURY.</i>		
RESOURCES.	Notes discounted,	\$75,857 60
	Due on book and from other Vermont banks,	1,584 68
	Specie,	3,585 34
	Bills of other banks,	2,917 00
	Safety fund,	2,700 00
	Deposits in Boston and Troy,	41,654 01
		<hr/>
		\$128,298 63
LIABILITIES.	Capital Stock,	\$60,000 00
	Bills in circulation and certificates,	54,633 00
	Unclaimed dividends,	245 95
	Due depositors, and Bank of Burlington,	8,199 04
		<hr/>
Sept. 20.		\$123,077 99
<i>BANK OF VERGENNES.</i>		
RESOURCES.	Notes and bills discounted,	\$166,992 35
	Real estate,	2,500 00
	Foreign bank stock,	157 15
	Safety fund,	450 00
	Due from other banks,	1,070 60
	Deposits in New York and Boston,	12,721 49
	Specie,	7,740 39
	Bills of other banks,	3,747 00
		<hr/>
		\$195,378 98
LIABILITIES.	Capital stock,	\$100,000 00
	Bills in circulation,	57,891 00
	Dividends unpaid,	558 70
	Due to other banks,	5,438 12
	Unpaid drafts,	5,575 44
	Deposits,	22,056 70
		<hr/>
		\$191,519 96
<i>FARMERS AND MECHANICS BANK.</i>		
RESOURCES.	Notes discounted,	\$101,871 98
	Domestic bills discounted,	43,855 57
	Deposits in Boston and other banks,	14,911 37
	Specie,	6,364 18
	Bills of other banks,	7,069 43
	Safety fund,	2,993 75
	Real estate,	8,000 00
		<hr/>
		\$185,066 28
LIABILITIES.	Capital stock,	\$105,000 00
	Bills in circulation,	36,404 00
	Dividends unpaid,	209 40
	Due depositors and on book,	43,712 54
		<hr/>
Sept. 24.		\$185,325 94

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APPENDIX.

<i>BANK OF ST. ALBANS.</i>		
RESOURCES.	Notes discounted,	\$93,644 56
	Specie,	4,643 18
	Bills of other banks,	4,645 00
	Suspended debt, exceeding deposits,	9,410 36
	Due from other banks,	3,762 56
	Banking house,	1,400 00
		\$117,505 66
LIABILITIES.	Capital stock,	\$50,000 00
	Bills in circulation,	44,036 77
	Dividends unpaid,	2,078 00
	Deposits,	8,029 57
	Due to other banks,	8,534 39
		\$112,678 73
Sept. 27.		
<i>THE FARMERS' BANK.</i>		
RESOURCES.	Bills discounted,	\$72,776 69
	Specie,	5,961 70
	Bills of other banks,	8,234 68
	Due from other banks,	53 63
	Deposits in Troy and Boston,	27,427 14
	Banking house,	2,492 92
		\$116,946 76
LIABILITIES.	Capital stock,	\$60,000 00
	Bills in circulation,	53,870 00
	Dividends unpaid,	63 30
	Deposits and due other banks,	777 53
		\$114,710 83
Sept. 28.		
<i>BANK OF POULTNEY.</i>		
RESOURCES.	Notes discounted,	\$55,094 26
	Specie,	4,177 80
	Bills of other banks,	830 00
	Due from other banks,	2,908 37
	Deposits in Boston and Troy,	18,940 16
	Safety fund,	108 00
		\$81,453 59
LIABILITIES.	Capital stock,	\$50,000 00
	Bills in circulation,	28,534 00
	Deposits and unpaid dividends,	1,800 20
		\$80,334 20
Oct. 1.		
<i>BANK OF RUTLAND.</i>		
RESOURCES.	Notes discounted,	\$145,433 53
	Specie,	9,073 80
	Bills of other banks,	2,801 00

APPENDIX.

	Due from other Vermont banks,	3,962 08
	Deposits in Boston and Troy,	22,288 63
	Safety fund,	604 26
	Banking house,	1,050 00
		\$185,217 29
LIABILITIES.	Capital stock,	\$100,000 00
	Circulation,	67,428 00
	Deposits,	11,937 70
	Unpaid dividends,	882 00
		\$180,247 70
Oct. 1.		
	<i>BANK OF MANCHESTER.</i>	
RESOURCES.	Notes discounted,	\$72,987 51
	Due on book,	5,350 93
	Specie,	2,136 51
	Bills of other banks,	2,210 00
	Deposits in New York, Troy and Boston,	5,576 21
	Real Estate,	11,172 59
		\$99,433 77
LIABILITIES.	Capital stock,	70,000 00
	Bills in circulation,	29,188 00
	Unpaid dividends,	143 85
		\$99,331 85
	<i>BANK OF BRATTLEBORO'.</i>	
RESOURCES.	Notes discounted,	\$126,320 52
	Specie,	6,062 01
	Bills of other banks,	4,118 00
	Deposits in Boston, New York, and Troy, &c.	25,886 38
	Real estate,	2,702 98
	Bank stock,	3,253 99
	Safety fund,	2,700 00
		\$171,043 88
LIABILITIES.	Capital stock,	\$75,000 00
	Bills in circulation,	80,834 00
	Deposits,	9,588 00
	Due other banks,	456 85
		\$165,878 85
Oct. 8.		
	<i>BANK OF BELLOWS FALLS.</i>	
RESOURCES.	Notes and bills discounted,	\$96,389 17
	Due on book,	4,060 38
	Bank stock,	250 00
	Specie,	6,007 85
	Bills of other banks,	870 00
	Deposits in Boston,	20,491 72
	Real estate,	1,200 00
		\$149,269 12

APPENDIX

LIABILITIES.	Capital stock,	\$50,000 00
	Bills in circulation,	55,330 00
	Deposits and unpaid dividends,	15,632 14
		<hr/>
		\$120,962 14

BANK OF WOODSTOCK.

RESOURCES.	Notes discounted,	\$109,704 00
	Due on book,	530 27
	Specie,	3,748 78
	Bills of other banks, and State orders,	7,636 93
	Banking house,	3,000 00
		<hr/>
		\$124,619 98

LIABILITIES.	Capital stock,	\$50,000 00
	Bills in circulation,	54,979 75
	Deposits,	15,460 18
		<hr/>
		\$120,439 93

BANK OF NEWBURY.

RESOURCES.	Bills discounted,	\$79,024 72
	Due on book,	10,168 16
	Suspended debt, exceeding assessment,	14,277 30
	Specie,	3,697 05
	Bills of other banks,	607 00
	Deposits in Boston,	4,981 52
	Real estate,	1,927 94
		<hr/>
		\$114,683 69

LIABILITIES,	Capital stock,	\$50,000 00
	Bills in circulation,	35,290 00
	Deposits,	12,641 68
		<hr/>

Oct. 12. \$97,931 68

BANK OF CALEDONIA.

RESOURCES.	Bills discounted,	\$68,401 55
	Due on book,	8,076 28
	Specie,	4,900 02
	Bills of other banks,	8,600 89
	Deposits in Boston,	5,312 13
	Real estate,	2,000 00
		<hr/>
		\$97,290 87

LIABILITIES,	Capital stock,	\$50,000 00
	Bills in circulation and drafts,	42,791 74
	Unpaid dividends,	102 75
	Deposits,	1,517 12
		<hr/>

\$94,411 61

<i>BANK OF ORLEANS.</i>		
RESOURCES.	Notes discounted,	\$43,382 00
	Specie,	3,320 00
	Bills of other banks,	615 00
	Deposites in Boston,	3,200 00
		\$50,517 00
LIABILITIES.	Capital Stock,	\$80,000 00
	Bills in circulation,	19,996 00
		\$49,996 00
<i>BANK OF MONTPELIER.</i>		
RESOURCES:	Notes discounted,	\$97,485 00
	Specie,	2,317 97
	Bills of other banks and Treasury notes,	18,415 00
	Due from attornies, &c.,	4,473 44
	Deposits in Boston and Troy,	10,374 00
	Banking house,	2,600 00
		\$135,665 41
LIABILITIES.	Capital stock,	\$37,500 00
	Bills in circulation,	73,060 00
	Deposits,	21,681 79
	Unpaid dividends,	79 00
		\$132,260 79
	Oct. 8.	

The Bank of Newbury in 1838, in consequence of the failure of their agents in Boston, sustained a loss, amounting to about \$28,000, and the directors have not declared a dividend of profits since, and the income of the bank, after deducting current expenses, has not yet been sufficient to repay the loss then sustained. The state's treasurer, during the last year, called on the bank for the payment of ten per cent. of the profits of the bank accruing since the loss above stated, without regard to such loss. The bank declined paying, on the ground that the ten per cent. tax was a tax on profits, and as the bank had not made any profits, the directors were not under obligation to declare a dividend, or pay any portion of the income of the bank to the state's treasury. The treasurer represented the case to the undersigned, with a request that proceedings might be instituted against the bank for not making the payment required; but the undersigned, considering that the directors of the bank had pursued a correct course in not declaring a dividend under the circumstances, declined instituting proceedings against the bank, without the direction of the legislature.

In compliance with the resolution of the last session, the undersigned made immediate application to the court of chancery for the county of Bennington, for the appointment of necessary receivers for the Bank of Bennington, and the court appointed Nathan H. Bottum and Henry Robinson, receivers, agreeably to the 79th chapter of the Revised Statutes, who forthwith took possession of the effects of said bank.

All which is respectfully submitted.

R. PIERPOINT, Bank Commissioner.

REPORT OF THE BANK INSPECTOR.

To his excellency the Governor :

The undersigned, having been appointed a committee to examine and report the situation of the several banks in the state, not subject to the provisions of the safety fund act, makes the following report of the condition of such banks.

BANK OF BURLINGTON.

LIABILITIES.	Capital stock,	\$150,000 00
	Bills in circulation,	72,839 00
	Dividends unpaid	770 16
	Deposits,	25,263 18
		<hr/>
		\$248,871 34
RESOURCES.	Bills and notes discounted,	\$207,738 33
	Due from State,	2,000 00
	Specie,	15,534 20
	Bills of other banks,	17,277 00
	Deposits in Boston, New York and Troy,	20,994 96
		<hr/>
		\$263,544 51

BANK OF ORANGE COUNTY.

LIABILITIES.	Capital stock,	\$70,000 00
	Bills in circulation,	41,248 00
	Deposits and due other banks,	8,181 97
		<hr/>
		\$119,429 97
RESOURCES.	Notes discounted,	\$98,415 69
	Suspended debt,	18,782 81
	Specie, bills of other banks, and deposits in Boston,	13,997 76
	Real estate,	2,000 00
		<hr/>
		\$133,196 26

R. PIERPOINT.

Oct. 19, 1842.

AUDITOR'S REPORT ON THE SUBJECT OF PUBLIC
ACCOUNTS, ACCOMPANYING THE MESSAGE
OF THE GOVERNOR.

To the General Assembly of the State of Vermont now sitting :

By a concurrent resolution of the Honorable the Senate and House of Representatives, passed on the 10th of November, 1841, "The Auditor of Accounts" was, among other duties, by that resolution assigned him, instructed to report at the then next session of the Legislature, "what modification of the law is necessary to secure a more thorough accountability, by every officer or citizen, being in the receipt of money, belonging, in any wise, to the State of Vermont."

A law, which shall secure a faithful application of all the public funds, will owe its principal efficiency to some provision, which shall frequently bring to the notice of government, the entire sources and disbursement of the public revenue. Civil laws will never execute themselves, but always require the pervading energy, which enacted them, to secure their desired results. Abuses in the laws and in their administration will remain unredressed, till these abuses are brought home to the knowledge of those, whose province it is to correct them. Omniscience and omnipotence are attributes of a perfect Legislator, and wherever a government is fully advised of all its rights as a government, and of all the duties of the citizens, it need not be feared, that the rights of the one will not be secured, or the duties of the other enforced. It is not less promotive of official integrity, than conservative of the public funds, that every officer of the government should feel a legal necessity to be honest. The collection, keeping and disbursement of the public treasure, require integrity, and perseverance, united to a competent knowledge of the laws relating to finance. All revenue and its disbursement should be regulated by law, and the subject requires the constant and vigilant supervision of the legislature. But the brief

term of the session of our General Assembly, and the frequent changes of the constituent members of that body, render it difficult for the legislature to exercise that vigilant supervision of the public treasury, which its importance demands. Should an individual member project a plan to improve the law relating to finance, the session is too short to enable him to perfect his designs. In the mean time the uncertainty of his re-election, together with the pressing nature of private avocations, crowd the consideration of the public interest from his thoughts, and a purpose, originating in a pure regard to the general interest, is stifled by the clamorous calls of private cares.

The laws passed in 1797, for the regulation of the finances of the state, were subject to many imperfections, as their frequent amendments have fully shown. Those laws, in their most approved amended form, have never been sufficient to secure the treasury against the possible perversion of its funds. What member of the General Assembly, since that period, has known sufficient in relation to our laws of finance and of their execution, to enable him to pronounce with certainty, that the funds of the state were duly collected and honestly disbursed? Would it be presuming too much to affirm, that none could say it, aside from a conviction of the integrity of our public functionaries? As a general rule, the presumption should be, that the public funds are wasted, where the contrary cannot be shown.

Since the period above alluded to, we have had no system of finance which has brought all the different and scattered fragments of evidence of public claims or property to a focus, where the eye of the legislature could rest upon all the sources of revenue at a glance, and where any extravagant or disproportionate allowance could at once be detected, and all wasting of the public funds prevented. It may be, that the public funds, at times, have been faithfully collected and disbursed; our laws of finance should be such as to enable the proper department to *prove* that the system is *always* thus administered.

In pursuance and discharge of the duty assigned him, the Auditor would advert to some defects in our laws of finance at present in force; and the modifications, necessary to secure the desired accountability, and would respectfully interpose such remarks, as the subject may appear to him to re-

quire. A narrow and literal construction of the resolution might seem to restrict inquiry to simple accounting ; while a more liberal, and obviously a more rational interpretation, would permit and require an investigation of every case of unjust acquisition and detention of the public funds ; for all funds obtained or detained by fraud, covin or deceit, should be accounted for.

For every practical purpose, whatever the law permits, in the appropriation of the public funds to private use, it commands. It will be therefore sufficient for our present purpose, to notice some of the abuses, which the law now in force permits, or does not prevent. Such an investigation will furnish a practical commentary on the law, and be a safe guide, to the remedies, which the defects of the present law require.

It has been the policy of the government to leave open numerous avenues to the public treasury. As the law now is, a claimant, wishing to obtain an order on the Treasurer for an alleged claim on the state, may apply to the County Court ; to the Supreme Court ; to the Quarter Master General ; to the Auditor ; to the committee on Debentures, and to the General Assembly ; nor are these all the avenues open to the cupidity of claimants on the public treasury. If the claimant be denied at one department, he may resort to another. If the claim be allowed in part at one department, he may accept the allowance *pro tanto*, and present the claim anew, at another department, to be again allowed, and thus abstract from the public treasury an amount commensurate, with his own views of the justice of his claim, or the demands of his avarice.

If a claim have been allowed by the legislature, in a spirit of compromise, with an express proviso, that it shall be a final settlement of the claim, the claimant has but to wait till the transaction is forgotten, or other men come into power, to present it again for a second or third allowance, as the conscience of the claimant will allow.

The laws now in force do not prevent such practices, but all these abuses can be, and have been practiced under the existing laws, and those in force at the time of the revision. It is not less true of the Treasury, than of a fortress, that the fewer the avenues to it, the more easily will it be defended.

To illustrate the operation of the law in practice, the fol-

lowing facts may be stated, as having come under the immediate observation of the undersigned, or so far within his knowledge as to leave no doubt of their truth.

A claim was presented to the proper department for allowance; it was disallowed, with the offer to refer it to the General Assembly, for their consideration. The reference was declined, and the claim withdrawn. It was subsequently presented at another department and allowed. Had the claim been referred to the General Assembly, the reasons for the disallowance might have been considered. In such a state of things, it is apparent, that a claimant has much the advantage of the government, for though many times defeated, he may ultimately obtain, while no judgment except the last, will avail to protect the government against a subsequent allowance.

Another claim was presented for allowance; it was considered and allowed at such a sum as was supposed to be just, and no appeal was taken. The claimant's order was paid at the Treasury, and in the mean time, the same claim was again presented at another department, the same reasons urged for allowance, as had been before ussd, and the claim allowed at a much larger sum, than the first allowance.

Claims against the state have been frequently allowed by the General Assembly, with an express proviso, that the sum allowed should be in full satisfaction for all demand on the government for the alledged cause; the condition has been accepted, the money received, and still in a very brief period, the claim has been again presented and allowed, and in some instances at a greater sum.

In other cases, dishonest attempts to obtain more than one compensation for property, taken for public use, or for services rendered the state, have been defeated, by the memory of an aged member of the Legislature, assisted or refreshed by a recurrence to a musty journal of that body.

Another practice has obtained of preferring the same claim before the General Assembly from year to year; and though the subject has been, upon as full and impartial examination, as any legislative proceeding can be, finally decided to be without merits, still the claimant has continued to press his demand, to the great delay and hindrance of the public business, and probably to his own damage, until some committee has

reported to allow it, as a mere expedient to dispose of a troublesome subject, rather than from its justice.

Between individual litigants, a judgment recovered in a court of justice, or before arbitrators, or an accord and satisfaction, is to the parties "an end of all strife"; but not so between claimants and the government. In this latter case, the demand will be urged from year to year, during all which time the reasons *against* allowance are fast fading away, while the constant vigilance of the claimant is accumulating reasons *for* allowance, which did not exist, when first presented. Could a board be constituted, clothed with legal and equitable authority, finally to dispose of all such claims upon the government, it would seem to be promotive of justice, and prevent the loss of much valuable time of the Legislature. There would seem to be no good reason, why a claimant upon the government should be permitted perpetually to urge his claim against it, after such investigation and judgment had, as would be final and conclusive between individuals. If a claim has been fairly *adjusted* and *paid*, all will allow, that the Legislature should be exempted from further attention to the subject. So, too, if on an impartial investigation it be found to be *destitute of merits*. If a claimant will continue to petition, the petition may be received, and these facts appearing, the Legislature in justice should be discharged from further attention to the subject.

The establishment of such a board would not conflict at all with the right of petition, and would further the ends of justice. Many petitions for remuneration from the public Treasury require judicial investigation, and whenever the judicial functions of government can be exercised, separate and distinct from the Legislature, it is desirable, that it be so done. A claim may be presumed to be as dispassionately considered by a board constituted expressly to investigate public claims, as by a committee of the Legislature. If it be urged, that a government should be liberal to claimants, upon its bounty or its justice, it should not be forgotten, that every cent allowed beyond strict justice, is so much wrongfully wrested from a tax-paying community; and that liberality on the one hand, becomes extortion on the other. In such case the inquiry is one, which may be much better settled by the cool and calm deliberations of a judicial body, than by a committee of the Legislature, subjected to the influences of party, the press of

public business and other causes, but illy calculated to aid the mind, in coming to a just decision on an important question.

Another defect in the law at present in force, is the absence of an uniform rule of allowance, for services of the like character. The judges of the county courts are authorized to "allow and tax any reasonable sum for cost and expenses of arresting, pursuing, detaining, and transport any person, who have been convicted of any erime in this state." Also to allow sheriffs and constables accounts, for arresting and transporting prisoners, apprehended on warrant charged with some crime. In these cases different rules of allowance have been adopted in different counties. In some, a strict construction of the words "costs and expenses" has been supposed to comport best with the intention of the Legislature, and nothing has been allowed the person apprehending the felon, for his time ; while in other counties allowance has extended to cover not only "cost and expenses," but the time of the pursuer also. A charge for apprehending a prisoner escaping from jail, through the insufficiency of the jail or the carelessness of the jailor, has been allowed and paid from the State Treasury. In neither contingency should the payment have been made from the State Treasury. The expenses of apprehending, detaining, and transporting persons apprehended on criminal warrants, has greatly augmented within a few years. New items of charge have crept in; the prisoner has, from one pretext or another been in the custody of keepers, for several days in succession, and bills have been presented and paid, containing charges for boarding prisoner, for keepers, for tavern expenses, &c. greatly exceeding former allowances.

That abuses in the allowance of claims, growing out of the administration of our criminal jurisprudence, have crept in, may be inferred from the following facts. The amount paid court orders for the year, ending November 1838, was \$16,298 33. The amount paid, from November 1838, to September 30th, 1839, was \$20,405 94. The amount paid from September 30th, 1839, to September 30th, 1840, was \$26,020 24 ; and the amount paid for the year ending Sept. 30, 1841, was \$31,726 63.

The examination of the Treasurer's books, thus presents the striking fact, of a pretty uniform increase of payments made on court orders for the above named five years. The

balance paid court orders during the year ending November 1838, over and above the amount paid into the Treasury by State's Attorneys was	\$12,424 26
Balance for 1839 was	15,079 86
Balance for 1840 "	24,215 97
And balance for 1841 was	27,368 43

Thus while there has been a very considerable increase of expenditure in the payment of court orders, there is witnessed a diminution of the amount of moneys paid into the Treasury by State's Attorneys. From an examination of the returns of state causes, there appears to be no considerable increase of state prosecutions, on the criminal dockets, of the courts, nor has the number of convicts in our penitentiary, for the period under consideration, materially increased. It is hence inferred, that the excess of expenditure, for that period, is to be attributed to some other cause than to the increase of criminal prosecutions.

There is noticeable a marked disproportion, between the amount of court orders paid at the Treasury, originating in different counties.

In the year 1841, the amount of sheriff's bills paid in court orders, for the county of Windsor, was \$288 99 only. The dockets of the courts were unusually crowded, even for that county, and two pannels of jurors were summoned each term. In another county in the state, consisting of a population but a fraction over one half that of Windsor county, the sheriff's bills paid in court orders that year amounted to \$984 75, being an excess of almost 400 per cent. over the amount paid for the like service, in Windsor county, though the population of the latter county exceeds that of the former almost 50 per cent. The result is, that the sheriffs in one county are paid \$7,61, while those of the other are paid \$1,00, or in that proportion.

This great disproportion between these two Counties cannot be reasonably charged wholly to the different amount of business done. Something may be presumed to be attributable to some innovation in charging and allowance of accounts.

Another defect, in the law now in force, is, that in some cases it secures no *accountability* from persons entrusted with the public funds, nor does it secure even a *record* of the prop-

erty intrusted to its agents. It is believed that the property belonging to the old Vermont State Bank, has been committed to the agent, appointed by law to settle that concern without inventory,

It is not known that any records of that property have been kept for many years, nor is it an easy matter to exhibit the amount committed to the different agents, intrusted with the settlement of the concerns of that institution, without a long and difficult examination of the history of that Bank, from the time it ceased to discount. The law, appointing those agents, made no provision for an inventory of the property intrusted to them, or for auditing and settling their accounts. As honorable men, they were allowed to retain such sum as they might deem to be a just compensation for their services, and to transmit the balance of the funds, with which they were intrusted, to their successors in office.

The law thus placed these agents in the position of being auditors of their own claims against the government.

By the 4th section of chap. 9 of the military act, passed in 1837, the Commandants of Regiments were authorized to draw on the Treasury for an indefinite sum, to pay officers and soldiers required to attend regimental drills, and all sums thus drawn were at the disposal of the Quarter-masters of the regiments. The law required no accounting, whether the officers and soldiers attended the drill or not, or were or were not entitled to pay.

By the 15th sec. chap 10th of the act, in addition to the act of 1837, it was provided, that it shall be the duty of the commandant of each regiment to certify on his order upon the Treasurer, that the regimental drills, &c. have been duly held. Still there was no provision for accounting for the money, should a balance be left in the hands of the quarter-master.

In the 4th section of the act in addition to the several acts regulating and governing the militia of this state, passed Oct. 29th, 1840, it is provided that "any neglect of the several Quartermasters of regiments, to make the return herein required, or of suffering any of the funds of the regiment, in their hands, to be paid out for any other purposes, than those required by law, shall be deemed a breach of the condition of their bonds." Still no accountability is secured, because

it is made the duty of no one to see that their accounts are rendered, or that the bond is put in suit; for though by sec. 1st the Quartermaster General is *authorized* to prosecute any breach of such bond, it is not made his *duty* to do so.

The statute makes it the duty of county clerks to keep account of all monies by them received as court and jury fees, and settle the same with the judges at each term of the court, and after paying jury fees, &c., "the balance to be paid to the State Treasurer." Should a clerk neglect to settle his account, or to pay the balance to the State Treasurer, it would without doubt be a breach of the condition of his official bond, but a knowledge of these facts might never reach the Treasurer, or any one whose duty it is to prosecute the bond; or if the bond were put in suit, the evidence would be wanting to prove the amount of the liability of the clerk.

The Board of Commissioners for the instruction of the deaf, dumb and blind, are required by the statute to make an annual report to the Governor, of their proceedings, with an account of the expenditures incurred by them in the discharge of their duties. If these commissioners annually make their report, and the Governor approve of the disbursement of the appropriation, made by the Legislature for that object, the money is accounted for; otherwise not, as the last section of the act relates only to the personal expenses of the commissioners, which are settled by another department.

The law creating the office of Sergeant-at-arms, required that officer to give bonds, but it was made the duty of no one to take notice of the infraction of the conditions of that bond. That officer is required to make an accurate schedule or inventory, embracing every article of furniture, &c., and annually deliver it to the Secretary of State, to be preserved on file in his office. This duty may be all executed to the letter of the law, and still the property of the state may be purloined to an indefinite amount with perfect impunity, for it is the business of no one to compare the property furnished for the use of the succeeding Legislature, with the inventory lodged in the Secretary's office.

The law designed to secure the accountability of States' Attorneys, seems to require to be modified in several particulars. In the first place, the method provided by law, now in force, to ascertain the liability of State's attorneys, and to

charge them in account, is circuitous, complex, and difficult to be carried into operation. It is less simple and direct than it should be, to facilitate and secure a perfect accountability. Justly to charge a State's attorney, with all the moneys which may come into his hands, in the discharge of his official duty depends upon several contingencies, either of which failing, a correct account cannot be kept with the attorney. The Treasurer is the officer intrusted with the duty of opening and keeping accounts with State's attorneys. By sec. 54th, chap. 11th, each State's attorney is required annually to make out and exhibit to the State Treasurer, on or before the 15th of October, an account of the disposition of all fines, forfeitures, costs, judgments, &c. ; and by the 56th section the State Treasurer is authorized to audit and allow such account, &c.

In practice, this accounting, by the attorney with the Treasurer, is simply the presenting, by the attorney, of a statement of his own account, accompanied with the payment of such sum as the statement shows to be due, and from the nature of the case it cannot be otherwise.

These accounts are generally presented in the early part of the session of the Legislature, when the time of the Treasurer is fully occupied in the more appropriate duties of his office. If the attorney rightly balance his own account, after having charged himself with all his liabilities, all is accounted for; otherwise not. These accounts are presented on loose pieces of paper; nothing is transferred to books, and the accounts themselves, in times past, have been suffered to be scattered in the Treasurer's office, like Sibyl's leaves, in the cave, liable by every accident to be lost or destroyed. The statute of 1807 imposed upon the Treasurer the duty of opening an account with each State's attorney in the several counties. To enable him to do so, the several county clerks were required annually to make and transmit to the Clerk of the General Assembly, at the October session, a true and just statement of all the civil causes in favor of the State Treasurer, and also all the criminal causes entered on the dockets of the respective courts, during the preceding year, &c. In Slade's edition of Laws, page 561, it is made the duty of the Clerk of the General Assembly "to transmit the original returns, after they had entered them on the Journals of the

House, to the Treasurer of this State." This was done to enable him to compare the returns made by the Clerks with the returns made by the State's attorneys, and therefrom to commence and open an account between the State and each State's attorney. The Clerks were directed to make these returns annually, at the October session of the General Assembly, and this might not be till after the attorney had rendered and settled his account, and of course could not aid the Treasurer, in making the settlement, even if other circumstances had been favorable. In the Revised Statutes it is not made the duty of the Clerk of the House of Representatives to transmit the original returns of State causes to the Treasurer. Still the Treasurer is authorized finally to adjust and close said accounts.

In the revision, the county clerks are not required to make their returns to the Clerk of the House of Representatives, till the third Thursday of October, nor is the Clerk of the House required by that statute to enter those returns on the journals at all, though the practice has been to do so. It would seem that the original design of these returns had wholly failed, and it is difficult to perceive any valuable purpose to be accomplished, either in making these returns, or in their yearly publication in the Journals. It is evident that they cannot aid the Treasurer in settling the State's attorneys' accounts, and it may happen that the publication of a prosecution for an infamous crime, will injuriously affect the reputation of the innocent. The making and the publication of these returns are an occasion of considerable annual expense, which might be avoided with no detriment to the public service. As the law now is, there can be no other accounting with State's attorneys than that before described, which is no other, than the mere statement of the attorney himself. The law requiring county clerks to make returns of state causes, was designed at once to be a check upon State's attorneys, and to aid the Treasurer in keeping those accounts. This law has not been carried into the revision, and to require the Treasurer to secure the State against loss in such case, would be to require him to deliver "the tale of bricks," while the straw is withheld.

In the 10th Sec. Chap. VIII. R. S. it is made the duty of the Treasurer, within thirty days after the close of each ses-

sion of the Legislature, to commence suits, among others, against State's Attorneys, who have been delinquent &c. in the payment of dues to the Treasurer. And in the 11th Sec. it is enacted, "If the Treasurer shall neglect to commence suits, as provided in the preceding section, he shall be answerable for such delinquency, in the same manner as if the sum so in arrear had been paid into the Treasury when due." The purpose, to protect the Treasury from loss, is here strongly manifested, but the law must always fail of its designed operation. How is the Treasurer to be informed whether an attorney has been delinquent in the payment of dues to the Treasury? Fines, forfeitures, costs and judgments may have been collected by the attorney, and still no knowledge of the fact may have reached the Treasurer.

True, by the letter of the law, he shall be accountable for all such delinquencies, in the same manner, as if the sums, so in arrear, had been paid into the Treasury when due, if he neglect to bring suit within thirty days; still it is doubtful whether our courts would enforce a law so manifestly unjust. From a brief consideration of the subject, it is apparent, that the different portions of the law, designed to secure accountability in public officers, are disjointed and do not harmonize together; that the system is complicated, and wanting in unity and directness of application, to the purpose to which it was designed, and that portions of the system are entirely expletive and useless.

That division of labor, so necessary to the satisfactory accomplishment of any purpose is wanting in our system of accounting. The appropriate duty of the Treasurer is to receive and disburse the public funds. To unite the auditing or allowing department with the disbursing department, seems manifestly incongruous. And yet, as the law now is, the Treasurer, in some cases, is made an accounting officer, and this, too, in cases, which may affect his own interest. Thus it makes him auditor to settle and allow accounts of State's Attorneys, where the allowance of an unjust credit to the attorney, might, in a certain event, free him, from an equal amount of liability to the State Treasury. The operation of the law is virtually to constitute the Treasurer Auditor to settle his own accountability to the Treasury. Another reason, why the Treasurer should not be called to the settlement of ac-

counts affecting the state of the Treasury is, that by possibility it might place the Treasurer within the influence of corruption, should a corruptible man be ever elected to that office. An officer, debtor of the government, may apply to him to have his accounts allowed at a false amount, or for services never rendered, on condition that the excess be divided with the Treasurer. If it be said that others also may be exposed to corrupt influences, it may be urged, that the facilities for corrupt appliances are peculiar, at the juncture of *paying*, as well as *settling* an account. The possibility of corruption should not exist, when it may be prevented.

A brief reference to the Treasurer's books, will convince any one that the desired accountability has not been secured, and that the defects in the law appertaining to this branch of the public interest have been of long standing. It will be found, on an examination of those books, that sums of money, due the state have been outstanding for years, in the hands of officers under bonds to render their accounts annually. The 10th Section, Chap. VIII of R. S., was enacted, for the purpose of fixing the responsibility on the Treasurer, for such delinquencies, should he fail to commence suits, as provided by the Statute. But these delinquencies commenced during the incumbency of a Treasurer, now dead or out of office, and it might be difficult to determine where the liabilities ought to fall, in case of the insolvency of the original debtor and his bail. The statutes in force previous to the revision, required of the Treasurer to open an account between the state and each State's Attorney, in which the Attorney should be charged with all bonds forfeited, fines, &c. From an examination of the Treasurer's books, it does not appear that the semblance of an account has been opened with State's Attorneys, with the exception of the period elapsing from 1833 to 1836, during which time very imperfect accounts were commenced with the attorneys of several of the Counties. To secure a just accounting for the public dues, the law has made it necessary that various duties of several different officers should concur, and the failure of either of these may defeat the desired object. Thus if a State's Attorney fail to render his account, and the County Clerk to make his return of state causes, the Treasurer cannot charge the attorney in account. Again, if the County Clerk have made his return,

and the Treasurer neglect to charge the attorney in account, or to commence suit when he is delinquent, and the Treasurer, by his laches, has become responsible for the amount of the attorney's delinquencies, still, unless some one, authorized by law, shall compel the Treasurer to account and pay, the public funds are lost. Our system of finance seems to be greatly deficient, as a whole, in simplicity; and the various parts are not adapted to each other. Money is liberally scattered from the Treasury, but no public document shows to the people, that it has been *all* applied, to the various objects for which it was appropriated. The scattered fragments have not been collected to a focus, where the eye of the Legislature could contemplate the whole at one view. The Legislature cannot be expected to pass remedial statutes, for the correction of abuses, on their first appearance, but through the instrumentality of some public document, which shall annually call their attention to the subject of those abuses. The best systems of finance are liable to abuse, and in process of time will be abused. We have no officer whose appropriate duty it is to supervise the entire finances of the government, nor have we any annual report, showing their sources and disbursements.

It is believed, that the adoption of the practice of paying the contingent expenses of our courts of justice in money, and the consequent dispensing with court orders, would be an improvement of our system. These expenses accrue at stated periods, and the Treasurer could, with less difficulty, provide funds, to be applied by the county clerks, under the direction of the judges, in discharge of claims accruing for services attendant on the court, than to pay orders drawn for the payment of those services, as usually presented at the Treasury.

Those orders amount to about 4500 dollars annually, and the expense of drawing them, and of returning the abstracts to the Treasurer and Secretary of State, required by the statute, will somewhat exceed one thousand dollars. The design of the abstract is to form a check on the orders. The statute, requires the county clerks, to transmit the abstract to the Treasurer, "immediately after the session of either of the courts," and provides that no orders shall be paid by the Treasurer, until such abstract shall be lodged in

his office. The purpose of this provision was to prevent the payment of false or forged orders. Still, in past times those abstracts have had no such effect. The practice of the clerks is to draw orders during vacation, as well as during the session of the courts, and such are not inserted in an abstract till they may have been paid at the Treasury, for tho' the statute enjoins the Treasurer to pay no order till the abstract is lodged in his office, still, in practice, it is a dead letter. It is many times difficult, in the press of business, to compare the order with the abstract. They are for the most part presented at the Treasury for payment during the session of the Legislature; and it would require more time to compare them, with the abstract, than the Treasurer can well devote to the subject. The statute requires an abstract for each session of all the courts at which orders are drawn. It may be said that the law can be executed; but it may be replied that it *has not been*. In an examination of papers in the Treasurer's office, in March last, in furtherance of the present undertaking, there were discovered receipts, for monies advanced to Judges of the supreme court, to the amount of \$146,00, which had been enveloped in abstracts returned to the Treasury office, and never charged to any account on the Treasurer's books, These abstracts had been in the office three to four years, and manifestly had never been opened. As checks against fraudulent orders they answer no valuable purpose. The abstract required by the statute to be returned to the Secretary of State, is probably of as little use as that furnished the Treasurer, though it will furnish materials, in the absence of better, to charge the amount of jury and court fees received and paid by the clerk.

The late Secretary of State, informed the writer that he had known of but one application, in a period of five years, to examine the abstracts deposited in the Secretary's office. But in case it should become necessary to examine any items of charge allowed, this may be done with less difficulty, by applying to the office of the county clerk, who is required by statute "to preserve and keep on file all accounts, and other vouchers, for, which such orders were drawn." It is difficult to perceive any sufficient cause for continuing the expense of abstracts, or of lumbering the Secretary's office with bundles of papers, destined never to be of use, except perhaps to amuse the curiosity of some future antiquarian.

If it be desirable, that the public funds be accumulated in one depository, and that the avenues to those deposits be as few as practicable, it is not less important, that the public securities, and the evidence of public property, be guarded with a similar vigilance. The statute requires, that the bonds of recognizance, given by county clerks, should be deposited with the Treasurer of the State. In the case of State's attorneys, the bond is required to be taken before a Judge of the county court, but the law has not directed, what department shall have the custody of the security.

On an examination of the Treasurer's office in March last, not one third of the clerks' bonds, required by law to be deposited in the Treasurer's office, and of State's attorneys' bonds, not one in twelve could be found. The examination extended back to 1833. The remainder of these bonds or securities, if ever found, must be looked for in the offices of the various county clerks, who are thus made the depositaries of the evidence and the securities, which are to charge them in a suit in behalf of the state.

If the people of this state have occasion to congratulate themselves, that no serious loss of the public funds has been experienced, it is to be attributed rather to the moral integrity and high sense of honor, inherent in our public functionaries, than to the wisdom and efficiency of our laws.

The length of this report will serve as an apology for not adverting to other less apparent defects in our system. It has been the purpose of the undersigned to propose a system of accounting, which shall be as simple, direct and efficient. It is not expected to be free of defects; still, as the proposed system provides, that the subject shall be annually brought before the Legislature in a report, wherein will be noticed any modification, which experience may suggest, it is hoped, that, it may conduct us to the completion of a system, which shall secure a "thorough accountability, by every officer or citizen, being in the receipt of money belonging, in any wise, to the state of Vermont."

The system proposed is exhibited in the accompanying bill.

All which is respectfully submitted by

DAVID PIERCE,

Auditor of Accounts.

AUDITOR'S REPORT.

To the General Assembly of the State of Vermont now sitting :

AUDITOR'S OFFICE, Montpelier, }
October 12, 1842. }

In pursuance and obedience to a resolution of the Hon. the Senate and House of Representatives, passed the 10th day of November, 1841, the Auditor of Accounts has the honor to submit to the General Assembly the following, as approximating the nearest to a satisfactory report of the finances of the State, which, under the existing laws and their imperfect execution, it has been in his power to present.

The defects in the existing laws, and their very imperfect, and in some cases impossible execution, have been alluded to in another report of the Auditor to the General Assembly.

The State of Vermont, on the 1st day of October, 1842, was indebted to sundry accounts to the amount of

\$208,330 49

As follows, viz :

To the School Fund,	\$151,417 08	
To various towns for surplus revenue,	14,424 39	
To Bank of Burlington,	2,061 32	
To J. R. Langdon,	5,045 00	
To A. Willard,	3,094 98	
To old Bank of Montpelier,	376 20	
To the Safety Fund,	21,860 64	
To Safety Fund Banks, as interest,	6,201 48	
To Trustees of Insane Hospital,	4,113 33	\$208,594 42

CAPITAL OF THE STATE.

The capital of the State is as follows, viz :

Balance due for State taxes,	\$44,921 26	
Amount in the Treasury,	9,009 03	\$51,930 29

Balance of debt against the State,	\$156,664 13
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It should be remembered, that \$151,417 08 of this debt is due to the school fund, and \$14,424 39 to the U. States de-

posite fund, amounting to the sum of \$165,841 47, which sum exceeds the balance of debt against the State \$9,177 34.

The school fund and the United States deposit fund may, not improperly, be regarded as portions of the capital of the State. The accounting officers of New York and Ohio, and perhaps other States, have treated them as capital. The United States deposit fund for the State of Vermont is

	\$669,086 79
and the State school fund,*	181,926 99
	\$851,013 78

From which deduct whole amount of State debt, \$208,594 42, and we have a balance of \$642,419 36, applicable to the purposes of education, after the extinguishment of the entire debt of the State.

The United States deposit fund, with the exception of \$14,424 39, which has been left in the Treasury by various towns, and which is now merged in the State debt, has been distributed to the several towns in the State.

The State school fund was commenced by act of the Legislature, passed in Nov. 1825, and since that period has been accumulating, from sources of revenue, which, but for that act, would have flowed into the Treasury, to be disbursed for the ordinary purposes of government. It is hoped, that the late action of the Legislature, upon the subject of this fund, may be admitted as an apology for adverting to that subject, in the following brief remarks. The act constituting this fund provides, that, "until the same shall amount to a sum, which shall yield an annual interest or income, sufficient to defray the current expenses of keeping a good free common school, in each district in the several towns, for a period of two months," it shall not be expended or appropriated to the use of common schools. Admitting the number of towns in the State to be 240, and allowing 17 districts to each town, and \$58 82 as the expense of keeping a good free common school for two months in each year, and it would require a capital of \$4,000,000, yielding an interest of six per cent. per annum, making no deductions for loss or expense of managing the fund, before the people of this State could expect to re-

* There has been a computation of the interest on school fund notes, which shows the amount falling due in October 1842 to be \$3,000, and to be added.

alize any of the benefits, contemplated in the establishment of this fund. The Auditor's report in the Treasury department, in Nov. 1841, showed the fund, in round numbers, to be \$164,000. It had then been accumulating sixteen years, and it would require fifty-five years more, before that sum, at compound interest, making no allowance for loss or expense, would amount to \$4,000,000, or very nearly. This sum would be required, to yield the necessary amount of annual interest. In this calculation no allowance is made for increment of population, though at the rate of increase, as exhibited by the census, for the last twenty years, it would have accumulated more than twenty per cent. This possible increment of population, and the indefinite sum required to keep a school two months in the year, may possibly outrun the yearly additions made to the fund, and thus much farther delay the period, designated for the distribution.— This fund may be regarded as in an incipient state, subject to the control of the Legislature; so much so, that the act itself may be repealed, by the same power which enacted it. In this view of the subject, the fund may not improperly be regarded as part of the capital of the State, though sequestered, like the United States deposit fund, to a particular purpose.

The action of the Legislature, at the last session, by no equivocal indications, called in question the wisdom of hiring money to carry on the necessary operations of the government, while applying the ordinary resources of the State to swell a fund, to be enjoyed by future generations, who will doubtless be exempted from the burdens, which press upon the men of the present times. It cannot have escaped the notice of the Legislature, that in the condition of the finances of this State, from the commencement of the fund down to the present time, its origin was, and its accumulation has continued to be, dependant on direct taxation. The State had no surplus revenue, but all expenses of government were met by direct taxes. The purpose of the founders of the fund was to ensure the education of future generations, exempted from the burden of direct taxes. It is believed that the surest guaranty, for the education of posterity, is the present diffusion of knowledge to the greatest practicable extent; while the purpose of avoiding the taxing of a generation, more than fifty years hence, results in imposing a direct tax

upon the men of the present times, as much greater than the tax prevented, as the whole amount of losses incident to the fund and the expense of keeping it on loan.

Besides, were the fund now accumulated to \$4,000,000, the amount assumed to be necessary, before, by the provisions of the act, the avails of the fund could be applied to their destined purpose, it might occur here, as it frequently has in Europe, that it would be difficult to keep so large a fund safely and constantly invested, at six per cent. interest. Should the State continue to be debtor to this fund, for coming years, in a proportion increasing with the fund, as for years past it has done, the subject would soon assume an interest of fearful importance. The interest of the loan could not probably be paid without a resort to direct taxes, in which event the very evil, designed to be avoided, would be encountered by future generations, in a form far more exceptionable. To carry on the operations of the government, and pay off the entire debt of the State, during the coming year, leaving the State school fund and the United States deposite fund untouched, would require a tax of 13 cents on the dollar on the grand list of 1841; and to cancel the debt of the State to the school fund, which must be done, should the Legislature enact to distribute it, would require a tax of 10 3-10 cents on the dollar, including 3 cents for the support of government.

The school fund, when regarded as a mere financial operation, is obnoxious to very serious objections. The three sources of revenue, sequestered to swell this fund, have never been sufficient to defray the ordinary expenses of government, but resort has always been had to direct taxes to supply the deficiency of the Treasury. The expense of collecting a direct tax is never less than seven cents on the dollar, and it may be more. The losses, necessarily incident to a fund on loan, and the expense of its management, could not be reasonably estimated at less than three per cent., provided it could always be safely invested at six per cent. on a long loan. But even this is not to be expected. According to this calculation there is a direct loss of ten cents on the dollar, on the entire amount of the fund, so that at the period, when by the calculation, the people of Vermont may expect to realize some of the contemplated benefits of the fund, they will have sunk \$400,000 in the accumulation and management of the fund; in other words they will have expended \$4,400,000, and will

have a fund of \$4,000,000 only for the support of schools. The whole system, in its inception and progress, is founded on principles, which must necessarily eventuate in loss. Few would perceive the wisdom of the man, who should devote a long life, to accumulate a reservoir of water, above its natural level, by means of manual labor, to be used by his descendants for hydraulic purposes. All would see, that the project was founded in error and would result in loss; that the dreams of the visionary would be finally dissipated, by the imprisoned waters seeking and finally finding their natural level, and probably with disastrous results. And still there are many points of resemblance between the school fund and such a visionary project.

The interest of the State debt will be \$12,515 66 for the coming year, and the sum of the receipts, from the three sources of revenue, sequestered by the act constituting the school fund, for that purpose amounts to \$10,238 27 only, leaving the sum of \$2,277 39 to be met by a direct draught on the Treasury, to pay the interest of the State debt.

Whether if the fund were accumulated to its contemplated amount, it would be promotive of the best interests of education, has been seriously doubted; but it would seem, that there could be but one opinion as to the policy of accumulating money in large masses, to be put afloat on the current of time, in the hope, that by possibility, it might reach and finally benefit a generation to be born half a century hence. While it is sure to hold out a lure to speculation, to ambition and corruption, the fund is always liable to be suddenly dissipated, as, to a considerable extent, was the case with the Smithsonian bequest.

Should the wisdom of the Legislature decide to apply the school fund to extinguish the State debt, as was in contemplation at the last session, at no distant period a diminution of taxes might be expected, and the losses and expense necessarily incident to a fund kept on loan, of course prevented.

SERGEANT-AT-ARMS.

Agreeably to the requirement of the resolutions of Nov. 1841, an account was opened with the Sergeant-at-arms, in which he was charged with the amount of stationery, furniture and other property which was found on inventory to belong to

the State in and about the State House, at the close of the session of the Legislature; and it is gratifying to be able to state, as I now do, that the whole has been satisfactorily accounted for.

STATE'S ATTORNEYS AND COUNTY CLERKS.

It has not been in the power of the auditor to open satisfactory accounts with the various State's Attorneys and County Clerks in the State, as contemplated in the resolutions of Nov. 1841. The embarrassments, which have prevented the desired purpose, have resulted from the imperfections of the existing laws. These have been adverted to in my report to the Legislature, on the proposed modifications of those laws. By the 54th section of chapter XI. Revised Statutes, each State's Attorney is required annually, on or before the 15th day of October, to exhibit his accounts to the Treasurer for settlement. Since 1837, there should have been seventy returns, made to the Treasurer by State's Attorneys of various counties. The whole amount of returns, made at the Treasurer's office, since that time, is forty-one, leaving a deficit of twenty-nine-seventieths to be accounted for. No returns of an earlier date than 1837 have been found, nor do the Treasurer's books show any account opened with a State's Attorney anterior to that period, and but few accounts since 1835, and those so imperfect as to render it wholly impossible to determine, from the books merely, the amount of State funds outstanding in the hands of those officers, though from the books and other evidence, it cannot be doubted, that the amount not accounted for must be very considerable.

The sum paid into the State Treasury by State's Attorneys during the year ending on the 30th of Sept, 1842, is

	\$5,711 83
and by County Clerks,	431 94
	\$6,143 77

VERMONT STATE BANK.

The concerns of this institution have been brought nearly to a close.

	There has been collected during the past year as principal.
	\$814 97
and as interest,	113 65

The amount of notes outstanding in favor of this bank is 1,104 36
 To which add the sum of \$358 30, a balance found and reported to be due, from a former agent appointed to settle the concerns of this bank, and we have the sum of \$1462 66, constituting, so far as it is known, the balance of funds, belonging to that institution, to be hereafter collected and applied to school fund.

MILITARY DEPARTMENT.

In consequence of the repeal of "so much of chapter 8th, of" the military act, passed Nov. 1, 1837, "as provides for paying officers, non-commissioned officers, and musicians, for attending regimental drills," the expenses of this department have been considerably diminished.

The amount of orders drawn by the Auditor of Accounts on the Treasurer, on accounts by him allowed for expenses and services rendered this department, during the past year, is \$1,135 62
 Amount paid other claims for military expenses, 907 15
 \$2,042 77

The act of 1841, authorizing a trial by jury in cases of delinquencies in the performance of military duty, has resulted in much vexation and considerable expense to the State.

The following communication, from the late Quarter Master General, will exhibit the probable expense to the State resulting from those trials.

MONTPELIER, Oct. 25th, 1842.

SIR:—At your request, I hand you the expenses incurred in 13 regiments, from whose Quarter Masters returns have been received, showing in cash the balance due the Quarter Master, over and above the amount of judgments in his favor, for which the Quarter Masters have received or are entitled to an order on the Treasury, to wit:

1st Regiment,	\$27 95
2d	64 21
4th	251 50
5th	66 21
6th	129 72
7th	197 67
9th	181 75
10th	10 71
18th	50 08
20th	48 50
22d	63

24th	99 25
25th	148 18

Making the whole expense to the State, in 13 regiments, exclusive of the loss on executions uncollected, \$1,285 36
 Should the remaining fifteen regiments be equally expensive, the whole charge to the State will be but a fraction short of \$2,800, for delinquencies at June training in 1842. To this sum should be added the losses on executions uncollected, which will probably amount to from \$500 to \$500 more, and perhaps a larger sum.

Your ob't serv't,

DAVIS RICH.

HON. D. PIERCE, Auditor, &c.

Which, added to

\$2,042 77
 1,285 36

will exhibit the sum of \$3,328 13
 as the amount expended in the military department for the past year.

D. PIERCE, Auditor.

REPORT OF THE COMMISSIONERS APPOINTED TO VISIT THE UNIVERSITY OF VERMONT.

THE Commissioners appointed by the Governor to visit the University of Vermont for the year 1842, beg leave to report as follows, viz :

That we hope we have not misunderstood the purpose of our appointment, as set forth in the resolution of instructions passed by the Legislature. And if it shall appear that we speak with decision and earnestness, it is because we feel that we cannot discharge our duties under our instructions without so doing, and to that we appeal for our justification.

We are required to give special attention to the objects set forth in the memorial of the Corporation of the University, and report our views in relation to them. We know not how to do this better than, in the first place, to call your attention to the frank and energetic exhibition of those objects in the memorial itself, which is as follows :

The undersigned, appointed by the corporation of the University of Vermont for that purpose, beg leave to present the following

MEMORIAL.

The Corporation regard themselves as charged with the care of the University, not for their own interest, nor that of the Professors and Teachers, nor for the interest of any particular class or portion of the state, but for the benefit of the whole state. They regard the University as it was intended it should be by the first constitution of the state, as one of the public interests of the whole commonwealth ; and not the creature of any party less than the whole. They do not wish this interest to be abandoned by the Legislature any more than that the care of the Judiciary should be abandoned by it. They wish it to be cherished and perfected. They labor for it without reward, as a public interest, in which they are concerned in common with all their fellow citizens, but only as others are. But being charged with the care of it, and being held responsible both in law and conscience, to take care of it rightfully, they cannot but present themselves before you, and ask that the people be not despoiled of this interest by the neglect of the Legislature, or defrauded of the benefits they expect from this, by its remissness.

As a corporation we have formed plans for its usefulness ; and without intending to arrogate superiority to ourselves, we are ready to justify them on all suitable occasions. We have expended money, and that with as much wisdom as reasonable men could expect. We have sought to increase the fixed property of the Institution, and we have done it ; we have sought to enlarge its means of influence by increasing its libraries and the apparatus of knowledge ; and we have done it. We have sought to give reasonably exact and thorough instruction ; and we have done it. We have sought to obtain grounds round about the University buildings for their convenience, for their beauty, and for their necessity ; and we have done it. These objects have demanded patient thought, diligent inquiry, accurate investigation, and prompt and efficient action. This we have not shrunk from. We have determined to make the University, as far as our means could allow, what every right-minded and every clear-headed

man expected it should be,—a place where should be found all the healthful influences of sound learning.

To aid us in the care of this great state interest, we have asked the assistance of the Legislature, but no assistance has been granted. From the day in which certain lands were set apart for the University, which at that time were worth nothing to it, or any one else, to the present hour not a single dollar has been given to it by the Legislature. So far as legislative aid and countenance are concerned, this interest of the people has been disregarded. When war has broken it up, when fire has consumed its pleasant places, when penury and want have withered its influence and destroyed its property, it has come in sadness, and knocked at your door, only to be told, "Be ye warned, and be ye filled, but depart." When adversity seemed to be weary of afflicting it, and temporary prosperity had crowned its self-denial, it has come with sunshine in its face, and asked for the smiles of a welcoming parent, only to be turned away in silence, and perhaps contempt.

Commissioners have been appointed by the Executive of the state, who have visited us, and, after thorough examination, have reported our condition and our wants; and urged them upon the attention of the Legislature, but without effect. Still, although frequently unsuccessful, we cannot doubt that the time will come, when this great interest will be wisely attended to by those, who have in charge the system of education for the state.

The corporation of no literary institution is organized like that of a bank or a manufacturing company, to accumulate wealth, or to make money. If its annual income meets its expenditures, it is all that it is intended it should do. If these literary institutions are to be enlarged corresponding to the growing wants of the community, they must be aided from abroad. It is impossible it should be otherwise, unless they pervert their charter, and abandon the object of their creation. As citizens, we demand that the University should be faithful to the purpose for which it was created, and as a corporation we will not suffer its funds to be perverted to the trade of speculation. We have then only to insist, as citizens and as men, that it shall go on to accomplish the objects for which it was made. And in doing this, it must have aid from without itself. Every one knows that it must. It is so implied in its charter, it is so implied and was so understood by those who spoke of it in the original constitution of the state, and by those who adopted that constitution as the deliberate and solemn expression of their will, and it is so implied in the very nature of the institution itself. We ask, then, not merely as corporators, but as citizens, speaking to those, who hold their seats and their offices only because they represent our feelings, and those of our citizens like ourselves, that the wants of the University be examined into. And that they be examined into, not for the purpose of satisfying uneasy complainants, but for the purpose of an honest and adequate supply of the wants, if found to exist. We have never found our citizens generally unwilling, any, more than ourselves, to aid from their own earnings the highest interests of learning; and if asked individually and alone, we doubt not the members of the Honorable Legislature would be found just representatives in their feelings of the general desire to aid in promoting the highest interests of learning. We only desire that there may be honesty and firmness enough to express these feelings in public acts.

We are now without the means necessary to complete the site of the

University. We are without means to supply the requisite instruction which our various departments demand; and we are without means to organize such new ones as the wants of the people of the state require. We have not squandered our funds, nor abused our trust, nor neglected to provide suitable instruction, nor proved unfaithful to our duties; if we have, we refuse not to be censured. We, therefore, respectfully ask the Legislature to appropriate for the use of the University from the Literary Fund, from the anticipated revenue from the public national lands, or from our State Treasury, such sums as may adequately supply its wants; and, as in duty bound, will ever pray.

Signed,

JOHN WHEELER,
SAMUEL PRENTISS,
TIMOTHY FOLLETT,
WORTHINGTON SMITH,
J. D. FARNSWORTH.

The general position is taken in the memorial that the University is a *public interest*. To this we fully agree. It is assumed in the original constitution of the state to be an interest for the benefit of all the citizens of the state, directly or indirectly; it is so implied in its charter; it is so implied in the decisions of our highest courts; it is so implied in the appointment of commissioners for annual visitation, and more than all, it is so implied in the nature of the institution itself. It, therefore, seems to us, that no man can rightfully understand his own duties as a citizen, participating in the government of the state, who does not aid and support it, as a public interest, as really and as truly depending upon his care as that of the Judiciary; in a word, of as great importance to the support and defence of the morals, of the habits, of the intellectual growth, and the religious prosperity of the commonwealth, as any other state interest that can be named. Not that we think that this public interest ought to have precedence over other great subjects, but then it ought to have its place, and receive the portion of attention due its intrinsic importance.

The original constitution of the state contemplated the formation of a University as belonging to the system of education necessary to the prosperity and well-being of the state, and without which the other parts would be incomplete, and could not accomplish their own purposes. It was classed with the county grammar schools, and the town common schools, as a part and parcel of one system. This was the unsophisticated expression of the wisdom of our fathers, when they were neither blinded by party, nor bond-slaves to popularity. They spoke of this public interest even before that of the Judiciary, when, with prayers and tears and in the midst of war and of blood, they laid the corner stone of our political fabric. It was not, for a moment, looked upon by them as the creature of a particular sect or political party, but as an essential portion of the system of education, without which we could not be regarded as a civilized and Christian community, seeking to preserve itself. The University is certainly nothing to the Corporation as such; it is nothing to the Faculty as such; it is nothing to us as commissioners; it is for each and all of us as citizens, but for us only as it is for all others. It ought, therefore, in our view to be cherished as a public interest, and its wants met in the spirit of kindness and liberality. It ought to be withdrawn from all party influences of any and every kind, when exposed to them; and to be cher-

ished as an object of respectful regard by all persons, independent of every consideration, except its relation to the system of education for the whole state.

Such are substantially our views of the *main position* taken in the memorial; and we cannot but respectfully urge that serious and grave attention be given to that point; and that direct and palpable aid, so far as is proper, may be rendered to this great interest of the state.

That the condition of the University may be the more intelligibly set forth, we would speak,

I. Of what has been done by the state for it.

II. Of what has been done from other sources.

III. Of the present condition of the Treasury.

IV. Of the present and prospective wants of the University.

I. As to the first topic, it is known generally that the use of a right of land was reserved, in the towns chartered by the state of Vermont, for the use and not for the disposal of the University. At the period of this grant the land was of no immediate value, as it could not be leased. And as it did not come into the direct occupancy of any one, it took its chance with the other public rights, which, to a great extent, were rendered valueless by the fraudulent location of the land, by the proprietors, in the most worthless portions of the townships. Most of the valuable portions of these grants have been leased, and now yield a rent. But they were of no use in first organizing the University. And as they cannot be sold, and as the income from them is not large, they have been of comparatively small value, giving no immediate aid in the various misfortunes and embarrassments of the University. No other aid has been rendered by the Legislature, and the institution has been left alone, to struggle through a series of difficulties and misfortunes that have well nigh ruined it in several instances.

II. As to the second topic. What has been done for the University from other sources; we remark much has been accomplished. The zealous efforts of the Corporation, and those having the institution in charge, have resulted in the organization of the various departments of literary and scientific instruction, in the erection of three large brick edifices, in the commencement of an extensive library, and of a good philosophical apparatus; and in the gathering of very considerable collections in some of the departments of Natural History.

Additions have been made to the fixed property of the Institution to a large amount, by subscriptions from the public, by donations from individuals, and by purchase in various ways, until it is manifest that the principal power of the Institution for good has been derived from private aid. Its was organized, at first, and in its misfortunes it has been aided, and even resuscitated, when about to expire, by the active energy of those having it in charge, in connection with the liberal aid of the friends of learning and piety. Fire, at one period, destroyed its buildings, war, at another, broke up its instruction, and armed soldiery filled its halls; death and misfortune have afflicted its friends, and penury and want have almost driven its teachers forth as objects of public charity. It is deeply affecting to consider that, in the midst of these deprivations and sorrow, the system of instruction has been steadily going on towards perfection, and that patient and continuous labor has not been withholden from the students. And it is still more deeply affecting to be assured, as we have been, that this has been done by the sacrifice, on the altar of self-denying

labor, of the strength and even of the life of some who were more or less connected with the system of instruction. Long sought aid was withheld, until they sank beneath the burthens of their station; and the only office of kindness that can now be rendered to them, is to tread lightly upon their ashes, and to speak well of their memory. Although unknown to its annals, and utterly disregarded by its guardians, when the secrets of all hearts shall be manifested, it will be found that they have "done the state some service," in their self-denying devotion to its best interests.

Although in the changes, that must have taken place, and in the various progress that has been made, by which the University has been brought up to its present prosperity, many things may have been said or done which were neither wise nor useful; yet, in looking calmly at its present condition, we cannot but be struck with surprize and admiration even, that so much has been effected for this great public interest.

III. In relation to the third topic, viz: *The present condition of the Treasury of the University*, your Commissioners would say, that in the examination of this department, they have found that the books exhibit in the clearest and most satisfactory manner the character and condition of all the property of the University. They show the presence of a watchful care and guardian-ship over all that is committed to the Corporation. And we could not but be struck with the fact, that the fixed property of the University had nearly or quite doubled within the last ten years. Were it not for the existing debts, the present income of the University would meet its current expenditures. If these were discharged, it might proceed quietly to accomplish its purposes, seeking, from time to time, such aid from the public and from individual patronage as might be necessary to supply its increasing wants, and accomplish the objects involved in its growth. The debts, which originated in part in the erection of the present buildings many years since, and in the purchase of land for the site of the College, have, by the pecuniary embarrassments of the country, become highly injurious to the interests of the University. They have brought more or less of mortgage and attachments even upon College property of great value to the Institution, and have operated most disastrously upon the current income of the University. This falls most severely upon the Faculty. They are not men accustomed to enforce the collection of debts at the point of the law, but others are, and the natural effect is they are more or less straitened in their income; and debts are shifted from more clamorous men to themselves. The result, of necessity, will be that the Faculty cannot act with the full power of their minds in their appropriate duties, and that they may be induced to accept of the more tempting offers that have been made to them to enter upon other fields of public labor. Here is not the place to speak of uncomplaining self-denial for the public good, but there has been and now is much of it in those who have the immediate charge of the University, which those who look after the good of the public ought to alleviate.

And as it is understood, that some of these embarrassments arise from debts due the Treasury of the State, the justice and the propriety of cancelling them is respectfully urged upon the Legislature.

IV. But there are other interests connected with the University to which we are directed to give attention, which we arrange in the *fourth place, under the head of the present and prospective wants of the University*. Both this year, and in years before this, some of us have attended the annual examination of the College, and its anniversary festival. And we

cannot but speak, with pleasure and unfeigned satisfaction, of the commendable spirit of learning that appeared manifest, both on the part of the Faculty and of the students. It is such, as it appears to us, as every good man would delight in witnessing, and which gives encouragement and hope that the youth of our country will come forth under auspices most favorable for a full and happy development of their moral and intellectual character. But, while this is true, there are in the departments of instruction some most urgent wants, and which for a long time have been felt to be urgent. It is now more than thirty years since one of the most talented and learned of our citizens,* then a member of the Corporation, brought forward propositions for the establishment of two professorships, one of the English language and literature; the other of the modern European languages. Both were deemed of great importance by him and by the Corporation. Thirty years and more have rolled away, and the youth of the state have been deprived of the advantages which would have resulted from adequate instruction in these departments of learning. And specially have our academies, our common schools, and our female seminaries suffered from the want of such thorough and systematic instruction in the origin of our own language and its earliest history, as might be given through such a professorship. Such a want ought not to go unsupplied. The English department ought to be so organized as to give it a high degree of energy, unity and precision. If it should so happen, as has sometimes been suggested, that the school fund should be broken up, it would be, in the view of the Commissioners, of the first importance that assistance, in whole or in part, should be granted to sustain a professor in this department. They cannot but commend this to the attention of the Legislature, as having a most important bearing upon the common school education of the state.

The Commissioners have also given attention to the site, and to the present and prospective condition of the buildings of the University, which are objects alluded to in the memorial. It is obvious that in considering these objects, the prospective growth of the University must be kept steadily in mind, so that one generation may not plant, and build, for another to pluck up and pull down. If the operation of the Institution from year to year, shall be systematic, the gradual manifestation of an idea, which is ever present to the minds of those, who have it in charge, and are engaged in its labors, it will gradually develop itself, as it were, naturally, like a thrifty tree, which is becoming more beautiful by expanding and shooting up with additional grandeur and power.

With such a conception of the growing and expansive character of the University, it is plain that sufficient ground should be acquired for all its necessary purposes; as for buildings, for ornamental beauty, for recreation, etc., before the fixtures of society render the acquisition impossible. The institution, with more than one hundred students now, and which in three or four generations of men may number four or five hundred residents, had not, a short time since, as much land for its immediate purposes, as a well regulated family needs for its children. It was, therefore, wise and judicious, in our view, in the Corporation to obtain more while it was in their power to procure it. And, although it was at the hazard of present inconvenience from debt, no other course was left them, if they would seek the permanent interests of the University. In this liberal and

* Hon. Wm. C. Bradley, of Westminster.

enlarged policy for the future well-being of the Institution, they need the sympathy and encouragement of the Legislature, and of every citizen of a clear mind and pure heart. How could the Corporation do otherwise than seek to acquire more land than they possessed? and how could they do this without incurring pecuniary liabilities? and how is it possible for them to be relieved except by breaking up the Institution, or by applying to the representatives of those for whom they live and labor? In so just a cause, we hope they will not appeal in vain!

It is plain, also, that nothing but penury and disability should prevent the enlargement of the various means for accommodating students; and at no distant period the rooms for public purposes, as Chapel, Library, Collections of Natural History, will require enlargement. Indeed, the wants of the community demand that more and more various instruction should be given, and that all the facilities and all the apparatus of knowledge should be increased. Some of these wants may be left to coming years, but some should be speedily supplied.

We cannot conclude our report without seriously reflecting, that we belong to a perishable and dying generation. And as we pass away, we cannot but ask, where shall be treasured the records of present opinions, where the peculiarities of modern thought? Within what walls shall be gathered and preserved, for the use of future ages, the wisdom of our day for their guidance; or the folly of our day for their warning? Where shall it be found if not treasured up in our highest institutions of learning? And what are they for, except to gather up within themselves all the learning of the past and all the wisdom of the present, that they may distribute it to the rising generation? Human life begins in weakness and in ignorance, and it is only by the presence of the wisdom of past ages in our civil, political, literary and religious institutions, that our children come forward as civilized and cultivated beings. Were it not for these, they would be but young barbarians and savages. The great depository of this wisdom and knowledge is in our Universities and Colleges. We affirm, as a fact borne out by history, a fact not to be gainsayed, that the Universities of England and of Europe have been the home of free thoughts, the successful opposers of arbitrary principles, both in Church and State. Out of them came our principles of liberty and of freedom, and, more than that, out of them came the conception and the plans for universal education. It is not to be gainsayed that the common schools of New England originated in, and were planned by, the best educated men this or any country ever saw, and where there was the greatest number of these men, compared with the whole population. Ignorance and vice do not educate themselves; folly and guilt do not ask for the light of science; and therefore it is that wisdom and virtue seek the greatest possible diffusion of the highest and best education. If, then, we would perfect our system of state education, if we would treasure up, so that we can get access to the wisdom of our fathers and the wisdom of the race, if we would keep at hand the expositions of the principles of truth and justice, as applied to human existence by the greatest and the best of men, we must cherish, as of the first importance, our highest institutions of learning. Let, then, those fountains be kept full and overflowing by free and liberal aid, and let those sit by them whose delight it shall be to pour out of the living waters to every thirsty youth that shall approach.

In view of these facts and considerations, the Commissioners would ear

nestly recommend, that the notes due the Treasury of the State from certain individuals, for the benefit of the University, be given up.

SAMUEL C. CRAFTS,
NORMAN WILLIAMS,
LUCIUS B. PECK.

Montpelier, Oct., 1842.

The undersigned Commissioners would also recommend, for the purpose of rescuing our highest institutions of learning from parties of all and every kind, that the law defining the residence of freemen be so amended as that students, residing at institutions of learning, shall not thereby acquire a right of voting in the town at public elections.

SAMUEL C. CRAFTS,
LUCIUS B. PECK.

Montpelier, Oct., 1842.

REPORT OF THE COMMISSIONERS OF THE
DEAF, DUMB, BLIND AND INSANE.

To his Excellency, the Governor of the State of Vermont :

THE Commissioners for the instruction of the deaf, dumb and blind for the year 1842, respectfully submit the following report.

Within the year ending on the 14th of May last, there were at the American Asylum for the deaf and dumb, twenty-two beneficiaries from this state who had been admitted by former boards of commissioners ; of which number, during that year four completed their terms of admission and were discharged ; two have left the institution and one other deceased.

At the meetings of our board in February and May last, we gave warrants of admission to four, as beneficiaries, three of whom are now under instruction ; we have also extended the terms of two former beneficiaries two years. During the recent vacation of the Asylum one other of our pupils deceased, reducing the number of our beneficiaries at the institution at the commencement of the present term, to seventeen. Your commissioners have drawn upon the Treasury for the payment of the semi-annual bills of the Asylum to the amount of \$2207 14, also \$15 for the expense of transporting one of the beneficiaries to the Asylum.

Your Commissioners further report, that at the commencement of the present year there were four beneficiaries at the Perkins Institution and Massachusetts Asylum for the blind, who had been admitted by former boards. Of this number one has since completed her term and been discharged. We have admitted to the Asylum the present year four pupils for instruction, three of whom have entered the institution. We have also admitted one to the work department, and have extended the terms of two others for one and two years.

We have drawn upon the Treasury to meet the bill of the

institution for the year ending April 1, 1842, the amount of \$654 94, but having discovered an error in the bill for the amount of \$66 65, we have placed that amount to the credit of the state, which reduces the expenses for our blind beneficiaries for the present year to \$588 09.

Your Commissioners further report, that in the appropriation of the fund for the support of the insane poor, in pursuance of an act of the Legislature of the last session, we found the duties and responsibilities of the office much increased. As the fund appropriated by the act was insufficient to meet all the cases that were reported to us, it became our duty to select, out of more than one hundred cases which were reported, such as appeared to us to be the most meritorious objects of public charity. In this view, having consulted with Dr. Rockwell, the superintendent of the Vermont Asylum, and made such other investigation as we were able, we were led to the conclusion that we ought generally to afford aid to those poor persons whose insanity had been of the shortest duration. Regarding insanity as a disease, which like all others, will more readily yield to early medical treatment, we believed that by granting aid to this class we should in most instances furnish the means of a speedy restoration to health, while we could generally do little more than to add to the comfort and convenience of those whose insanity had by long continuance, become confirmed and hopeless. In the one case, the appropriation would subserve the purposes of state charity by granting relief to the unfortunate individuals, while in the other, we should do little more than to relieve the towns of a portion of their public burthens. In carrying out this design we have granted aid in a few cases to those who have for a long time been afflicted with only occasional or partial insanity where improvement and recovery might be expected.

Of all the cases reported to us, we have designated twenty-four as beneficiaries. Of that number four have since recovered and been discharged; one other has since been discharged. One other has been discharged who was improved, nine are convalescing, four are improving, and six are stationary.

The persons thus designated by us, were placed in the Vermont Asylum for the insane, by contract with the trustees, at the rate of one dollar and fifty cents per week. The semi-annual bill of the asylum against the state will be about \$678. And we have drawn upon the treasury for \$20 to

APPENDIX.

the expense of transporting one of the insane persons to
asylum.

Our commissioners here take occasion to express their
regard for this institution, and particularly for Dr.
Stowell, its distinguished superintendent, in whose scienti-
fic, humanity and persevering faithfulness, they have the
most confidence.

Under the provisions of the existing law, it is the duty of the
civil authority, annually to report to the commissioners,
the cases of the deaf, dumb, blind and insane within their
respective towns. From our experience in respects to these
classes, we deem it our duty to suggest the propriety of
an amendment of the law, by which it should be the duty of the
commissioners in each town, to report to the commissioners, or
one of them, all recent cases of insanity occurring be-
fore the annual meetings of the civil authority as often as
they occur.

We think this more especially important in respect to cas-
es of insanity, wherein effectual relief can rarely be afforded,
if not in the earliest stages of the disease. This immediate
relief cannot be secured by the provisions of the present
law which merely brings such cases annually to the knowl-
edge of the commissioners.

which is respectfully submitted, by

HENRY STOWELL, }
CALVIN JEWETT, } Commissioners.
O. P. CHANDLER, }

St. Pelier, 13th October, 1842.

SIXTH ANNUAL REPORT OF THE TRUSTEES OF
THE VERMONT ASYLUM FOR THE INSANE.

OFFICERS OF THE ASYLUM.

BOARD OF VISITERS.

HON. CHARLES K. WILLIAMS,
" STEPHEN ROYCE,
" JACOB COLLAMER,
" ISAAC F. REDFIELD,
" MILO L. BENNETT.

COMMISSIONERS OF THE INSANE POOR.

HENRY STOWELL, Esq.,
CALVIN JEWETT, M. D.,
O. P. CHANDLER, Esq.

TRUSTEES.

SAMUEL CLARK, Esq.,
EPAPHRO' SEYMOUR, Esq.,
ASA KEYES, Esq.,
N. B. WILLISTON, Esq.

SUPERINTENDENT AND PHYSICIAN.

WILLIAM H. ROCKWELL, M. D.

ASSISTANT PHYSICIAN.

DR. SAMUEL B. LOW.

MATRON.

Mrs. D. K. BAKER.

R E P O R T.

the Hon. the General Assembly of the State of Vermont :

THE Trustees of the Vermont Asylum for the Insane respectfully submit their sixth annual report :

Since the last annual report, the new wing has been completed which has furnished additional accommodations, and has increased our facilities for a better classification of the patients. Large and well ventilated halls, neat and pleasant sleeping quarters, a plenty of pure water, and kind and faithful attendants are furnished the establishment, and every thing is supplied to promote the comfort of the unfortunate inmates.—The trustees confidently believe that this institution now possesses all the facilities for restoration, which can be found at a similar institution in our country.

The institution has now been nearly six years in successful operation. During this time four hundred and twenty-four persons have partaken of its advantages. Three hundred and eleven have been discharged, and one hundred and seven now remain in the institution. Of those who have been discharged, one hundred and seventy-nine have been restored to their reason and usefulness. Many of the others, who had been confined in cages and chains, have become mild and greatly improved in their habits, and now partake of the pleasures of life.

Since the first opening of the Asylum, notwithstanding the embarrassments peculiar to the commencement of all similar institutions, no serious accident whatever has ever happened to any one (patient or otherwise,) connected with the establishment. And, notwithstanding the large number of suicides which have been admitted, artfully seeking every opportunity for self-destruction which a morbidly excited insanity could invent, we have thus far escaped the melancholy event of suicide. For a watchfulness and care, so constant and unremitting, great credit is due to those to whose charge they were committed.

We are gratified that we have so healthy a location. The climate is mild, and the mountain air is salubrious. Since the first opening of the institution, notwithstanding the severe

physical diseases to which many of them were subject, there have been but twenty-one deaths, or a little less than five per cent.

We consider it no longer necessary to prove the importance and necessity of this institution to the State, nor its utility to those who are afflicted with this severest of human sufferings. Great numbers of the insane may be restored to their reason and their friends, by a timely application of the facilities for curative treatment at the Asylum. The prospect is truly cheering to the friends of humanity, that suitable provision is made for the restoration of the insane poor, before they have passed into an incurable state, wretched in themselves, and a source of inconceivable anxiety, as well as of great expense, to their friends and the community.

The provision made for the insane poor at the last session of the Legislature, is a most benevolent and salutary provision for those who suffer the double affliction of poverty and insanity. It is believed that it will be adequate to give a fair trial to every recent case that may be offered for admission. If the insane are placed at the Asylum as soon as they are attacked with the disorder, many will be restored in three months, thereby making room for others to take their places. When we consider the large proportion of recent cases that recover, and the joy experienced by an unfortunate family by having one of its afflicted members restored to usefulness, what an amount of happiness is produced by this noble provision?

It is much to be regretted, however, that, according to the present statute, a more direct application to the Commissioners cannot be made, as soon as a person becomes insane.—The longer the time between the attack of insanity and the placing the patient in an asylum, the longer will be the time required for restoration, and the less will be the chance of cure. Besides, the affliction and expense of the friends continually increase while the patient remains with them. If an indigent person becomes insane in February or March, for instance, he must wait a whole year, according to the present statute, before he can partake of the benefit of the appropriation. During this time he may have lost the only favorable season for recovery, and have passed into an incurable state. In the month of last February an indigent person and head of a family became insane. His friends, supposing it to be

too late to apply to the Commissioners for a share in the appropriation made by the State, sent him to the Asylum at their own expense. Before the Commissioners met in May, the patient was restored to his afflicted family, enjoying the blessings of health and reason, and capable of performing the relative duties of domestic and social life. Had his friends anxiously waited until "the first of February" of the following year, he might have passed into a state of hopeless insanity. We would, therefore, most respectfully invite the attention of the Legislature to this subject, trusting they will so amend this part of the statute, that those who are afflicted with this severe malady may receive the first practicable relief.

In noticing the results of the last year, we find that one hundred and ninety-six have partaken of the benefits of the institution. There were ninety-five patients at the commencement of the year, and one hundred and one have been admitted. Eighty-three have been discharged, leaving one hundred and thirteen patients now in the Asylum. Of those who have been discharged, forty-nine have recovered, twenty-eight have not recovered, and six have died.

We would again allude to what has so often been urged—the necessity of placing the insane in an asylum soon after the attack. By the report of the physician it will be seen, that nearly nine-tenths of the recent cases have recovered, while less than one-third of the old cases have been restored. Those, therefore, who are interested for the insane, should be aware of the importance of placing them under proper curative treatment in the first stages of their disorder. Every moment's delay increases the difficulty of restoration, and the expense is also greatly increased, as old cases require much longer time for their recovery.

The Trustees have attended to that part of their duty which requires an examination into the direction and supervision of the Asylum, and the treatment of the patients. We are happy to state, that there has been manifest, in every part, a degree of neatness and comfort, and an efficiency, mildness, and good order, which were worthy of all commendation.—The Asylum has been so generously aided by the public, through its Legislature, that the whole people have a right to know how its affairs have been managed. The solicitude and anxiety of those who place their dearest relatives in this institution, can be borne only by the strongest confidence in

the benevolence and humanity of those to whom they are entrusted.

We know that there are some who still retain their notions of an asylum from the opinions they had formed from the description of mad houses of the last century. Until within a few years, most of the asylums for the insane were merely places of safe-keeping of the patients. The unfortunate inmates were too often consigned to a living tomb, from which it was difficult to escape, until death, like a welcome messenger, removed them from their wretched existence. Could we witness no other management in the lunatic asylums of the present day, we would not have intruded the claims of this institution upon the attention of the Legislature. We are not ignorant that baseless suspicions and unfounded jealousies have always existed, to a greater or less extent, against institutions of this character. Those who have any doubts, we would invite to visit the Asylum, when they have opportunity, and we are confident that all their doubts will be removed.

Improvements are constantly making on the farm, which, in a few years, will be in a high state of cultivation. A greater amount of produce is every year realized, which greatly tends to lessen the expenses of the Asylum. But its chief advantage is, its beneficial effects on the patients. Exercise in the open air has always been conducive to their improvement and restoration. The best exercise for most of our male patients is, useful labor on the farm, which affords them pleasant employment, improves their health, and accelerates their recovery.

In conclusion, we would bear cheerful testimony to the prudent and faithful manner in which the several officers have performed their arduous and responsible duties; and at the same time we would commend the institution to the fostering care of the Legislature of this State, as worthy of their guardianship and protection.

SAMUEL CLARK,
E. SEYMOUR,
ASA KEYES,
N. B. WILLISTON.

Brattleboro', Oct. 7, 1842.

ABSTRACT

*Of the general expenditure for the Asylum, for the year ending Sept. 30,
1842.*

Stores, provisions, &c.,	\$6,272 92
Salaries and wages,	3,146 30
Medical supplies,	270 13
Improvements and repairs,	1,819 34
Furniture, bedding, &c.,	924 66
Contingencies,	182 19
	<hr/>
	\$12,615 54
Income from board of patients, &c.	12,935 26

WILLIAM H. ROCKWELL, Superintendent.

Brattleboro', Oct. 1st, 1842.

The patients have been from the following places:

Vermont,
Maine,
New Hampshire,
Massachusetts,
Connecticut,
New York,
New Jersey,
Georgia,
Louisiana,
Territory of Iowa,
Lower Canada,
Island of Bermuda.

**SIXTH ANNUAL REPORT OF THE PHYSICIAN
AND SUPERINTENDENT OF THE VERMONT
ASYLUM FOR THE INSANE.**

The number of patients remaining at the close of the year, 95
 There have been admitted during the year, 101
 Total enjoying the benefits of the Asylum, 196

There have been discharged during the year, 83
 There remains, Oct. 1st, 1842, 113

Of the 83 cases discharged, there have been,
 Recovered, 49
 Not recovered, 28
 Died, 6—83

Of the 39 recent cases discharged, there have
 Recovered, 35
 Not recovered, 2
 Died, 2—39

Of the 44 chronic cases discharged, there have
 Recovered, 14
 Not recovered, 26
 Died, 4—44

Recovered, of all the cases discharged the past year, 59
 per cent.

Recovered, of all the recent cases discharged the past year,
 89.74 per cent.

Recovered, of all the chronic cases discharged the past year, 31.81 per cent.

Recovered, of all cases discharged, 57.55 per cent.

Recovered, of all recent cases discharged, 89.11 per cent.

Recovered, of all chronic cases discharged, 29.26 per cent.

Since the opening of the Asylum 424 patients have been admitted, 311 have been discharged, and 113 remain in the institution.

Of the 424 patients who have been admitted, 179 have recovered, equal to 42.21 per cent.—21 have died, being a little less than 5 per cent.

We have again to acknowledge our obligations to a kind Providence, for the many favors we have been permitted to enjoy, the past year. We have been preserved from any suicide or serious accident, and have enjoyed an unusual degree of health. We have received a greater number of inmates than in any former year, and our endeavors in behalf of our afflicted fellow-men have been crowned with increased success.

We have had no epidemic sickness, and but six of our patients have died. Two were brought here in a moribund state, neither of which lived a week. One died of epilepsy, one of marasmus, one of inflammation of the brain, and one of old age.

The wide difference in the proportions of cures in recent and chronic cases, strongly reminds us of the importance of placing the insane in a proper asylum in the early stage of the disease. We would not, however, discourage the friends of those whose disease has been of longer duration from making a fair trial. During the past year we have had the gratification of witnessing the recovery of two who had been insane six or eight years. One had been with us twenty-two and the other thirty-one months. In the case of the one last mentioned, there had been no indications of amendment until within a few months of his restoration. The chief means used at the time of his improvement was constant useful la-

bor. It is thought by some, that three or at most six months will afford abundant opportunity for ascertaining the curability of the patient. In many of the cases, twice that length of time is necessary to remove the physical disease which produced the insanity. I have no doubt that many more chronic cases would recover, if they could have a sufficient time of trial.

The cure of the insane, though the greatest, is not the only object of the institution. The improvement and comfort of those who have passed into an incurable state, is of no small importance. Many who were so violent before admission as to be confined and even chained, have now become peaceful members of our family, and conduct with propriety.

In asylums for the insane, every necessary appliance, both medical and moral, are requisite, to obtain the greatest success. Without the indispensable aids of good moral management, little can be done. Medical treatment is equally necessary to remove the physical disease on which the insanity depends. Insanity itself is nothing more than the effect of physical disease, and the skilful application of remedies to remove that disease is of the first importance. Even moral causes never produce insanity, until some change has taken place in the physical system, which requires physical remedies to restore that system to its natural, healthy state. The successful medical practitioner duly appreciates the judicious application of moral means in removing disease. But the skilful co-operation of both medical and moral treatment, affords the best chance for the restoration of the patient.

In our endeavors to restore the insane, our chief object is to make use of such means as shall tend to promote the health of the patient, and keep his mind agreeably occupied. One of the best means we have found for this purpose is exercise in the open air. For those of our male patients who are able, and whose former pursuits have been agricultural, employment by useful labor in the garden and on the farm, has proved very beneficial. It operates morally by occupying the attention and diverting the mind from its morbid fancies; and physically by improving the health of the patient. We are

constantly making improvement on the farm, which, in a few years will be in a high and profitable state of cultivation. More land is needed to furnish sufficient employment for our patients.

The inmates of a lunatic hospital are unlike those of a hospital for the cure of other diseases, where its patients are not only unable to attend to their own wants, but need the constant and unremitting care and watchfulness of their attendants to alleviate their sufferings. The insane on the contrary are frequently in comfortable health, able and willing to assist in the support of themselves and others, and even rejoice in the opportunity to assist in relieving their fellow men from the greatest affliction to which human nature is subject. While they are engaged thus in their laudable and humane employment, they are using the best moral means for their restoration.

We wish not to be understood that all who are not confined by sickness are engaged in some useful labor ; for in a lunatic asylum there are always some who are too feeble to be employed. The greatest care is always taken that no one shall exercise beyond his strength. All of those who are able, are not engaged in useful employments. Some are employed in works of ornament, according to their former education, habits and taste. We have a carpenter's shop and also a shoemaker's shop for our male patients in the winter season.

While we have made so great exertions for the employment of those who were in a proper condition, we have not failed to bestow the most kind and assiduous attentions upon the sick. According to annual statistical reports, our bill of mortality has been less than that of any similar institution in this country. Whenever a patient is taken sick, he is always removed to the most quiet part of the establishment and is attended day and night as long as his sickness continues.

Our female patients take exercise in the open air by riding, walking, and culling flowers in the garden. We have horses and carriages devoted exclusively to the benefit of our inmates, and most of our female patients who are able, ride ev-

ery fair day. We have, connected with the establishment, a beautiful garden, containing a great variety of plants, to which our females frequently resort in the summer and take great delight in culling flowers for their rooms.

The matron has frequent sewing parties, which all the female patients who are in a proper condition attend. In these parties they appear to take great delight. At these times they are furnished with fruit and other suitable entertainment. Those who have been accustomed to playing on the piano, practice the same at the asylum. Others amuse themselves by playing chess, backgammon, draughts, battledoor, graces and other similar amusements.

We have a library of about four hundred volumes, which affords much interesting matter for those who are fond of reading. The assistant physician is ex officio librarian, and books are taken out every Wednesday and Saturday. We have commenced collecting a cabinet of minerals, which will probably increase from year to year.

We would gratefully express our obligations to those editors and publishers who have so generously sent us their newspapers for the benefit of the patients. Each paper is eagerly sought by those who have resided in the vicinity where it is published. Newspapers and other periodicals furnish more entertainment and topics for conversation than any other kind of reading.

It was a source of great regret that we must part with our matron, Mrs. Wilkins. She had devoted her energies to the best interests of the institution with a zeal and prudence which is rarely equalled. Being at once kind, humane, prudent, assiduous, and untiring in her efforts to promote the welfare of those committed to her care, her resignation was much to be regretted by the friends of the asylum. We are happy to state that our present matron has performed her duties in a manner that merits our approbation and inspires us with anticipations of her great usefulness in her department.

We have continued our religious exercises ever since the asylum was first opened. We know not of their having been

injurious to a single patient, and to many they have not only been a source of great comfort, but have greatly assisted in their restoration. Most of our patients delight to attend and would be greatly disappointed if they were denied the privilege.

Encouraged by the success which has attended our past endeavors, may we not hope for a continuance of the smiles of Divine Providence to bless our future labors.

WILLIAM H. ROCKWELL.

Brattleboro', Oct. 1, 1842.

TERMS OF ADMISSION.

For indigent patients *of this state*, two dollars per week, or one hundred dollars per year, if they remain so long in the Asylum.

For all others, two dollars and fifty cents per week for the first six months, and after that time two dollars per week.

Those who require extra accommodations, and those afflicted with nervous diseases, will be received at reasonable prices, according to the accommodations required.

No patient will be received for a less term than three months. But if the patient should recover before the expiration of that term, the pay for the unexpired time will not be required. If the patient remain longer than three months, the subsequent payment will be required only for the time the patient remains.

No charge is made for damages in any case.

Application for the admission of patients must be made, by letter or otherwise, to Dr. Wm. H. Rockwell, or either of the trustees.

**REPORT OF HENRY STEVENS ON REVOLUTIONARY CLAIMS
OF VERMONT UPON THE UNITED STATES.**

To his Excellency CHARLES PAINE :

After receiving the appointment to investigate the facts, and ascertain whether this State has a just claim upon the Government of the United States, for expenses incurred during the Revolutionary War, I examined the journals of the Council of Safety from the 15th of August, A. D. 1777, to the 12th March, A. D. 1778. There being no printed journals of the General Assembly, or of the Council, or acts of the Legislature, to be found in the State department previous to the February session, A. D. 1784, I therefore examined the manuscript journals of the House and Council, and acts of Assembly, where the printed documents could not be found, up to and including the session of the General Assembly, A. D. 1794. This being accomplished, I commenced the examination of the books and manuscript papers in the State and Treasurer's departments, for the purpose of ascertaining whether the several reports of Auditors, Pay-Table Committee, and reports of committees on the part of the General Assembly, Commissary General, and Pay-Master General, could be found. I have not been able to find all the reports of the Pay-Table Committee, nor the annual report of the committee appointed from time to time to settle with the Treasurer. No documents can be found, connected with the Auditor's department, previous to A. D. 1808. The Commissary General's and Pay-Master General's books are not yet discovered. No records of the Surveyor General are in the State department. I then commenced the examination of the files in the Treasurer's department, separating the vouchers for military expenditures from others. Such vouchers as contained interesting historical facts I placed by themselves. I found the orders drawn on the Treasurer, by proper authority, for military services and expenditures, including sums directed to be paid by the House of Representatives, also by the Governor and Council and Board of War, to be equal to five hundred thousand dollars, exclusive of interest and exclusive of property destroyed by the enemy.

Vermont being admitted into the Union March 4th, A. D. 1791, the General Assembly of this State, Nov. 3d, A. D. 1791, appointed Commissioners to ascertain the expenses of this State in the prosecution of the Revolutionary War. Hon. Isaac Tichenor, Gen. Ira Allen, and Benjamin Green, Esq., were appointed Commissioners to collect and arrange all the amounts of the said expenditures, occasioned by the war. Gen. Ira Allen was appointed Secretary and Treasurer, 6th of January, A. D. 1776, by convention, and remained Treasurer until October session, A. D. 1786. It appears from the journals of the General Assembly, that no final settlement was made with said Gen. Allen, until the 25th of October, A. D. 1792. The settlement not being made is the probable cause of the Commissioners on the part of this State neglecting to make up the amount of the said expenditures. Therefore no accounts for Revolutionary expenditures were presented to Congress, December, A. D. 1792, agreeable to

the act of Congress, passed 23d January, A. D. 1792, giving Vermont a right so to do. Congress therefore found it necessary, for the purpose of enabling the Commissioners on the part of the United States to complete a settlement between the several States and the United States, to pass a law, February 27th, A. D. 1793, repealing the second section of the law passed 23d January, A. D. 1792, giving Vermont a right to present her claim in December following. After thus examining the documents and files in the State and Treasurer's departments, also the report of the Board of Commissioners appointed to settle the accounts of the several States with the United States, I entertained serious doubts whether, after the vouchers being more carefully examined, the sum expended would amount to a sum sufficient to make Vermont a creditor State, had she presented her claim in December, A. D. 1792.

In making this examination, I discovered many well authenticated manuscript papers, which go to make up the doings of the various conventions of the people, as well as the doings of the Council of Safety, previous to the 15th of August, A. D. 1777, of which we have no record in our State department. I also discovered many copies of letters, written in Council of Safety, to officers commanding in the northern department, and to military officers in this State, which led me to believe that Vermont was entitled to the credit of performing more and greater military operations, in the northern department, than all the other military operations in this department put together.

After making these various discoveries, as far as practicable I endeavored to ascertain wherein we were deficient, in our State department, in proper and necessary documents, in order to make a complete history of the proceedings of the people in this State in their several conventions, and the proceedings of the various Councils of Safety, previous to the 12th March, A. D. 1778; which deficiencies were numerous,—yet, from various sources, I had good reason to believe these could be supplied. I therefore, after consulting with several distinguished gentlemen, as to what was best, under existing circumstances, concluded to collect and arrange all amounts of the expenditures occasioned by and on account of the Revolutionary War. I have nearly completed copying the pay rolls, and shall proceed in copying each voucher as fast as practicable, as well as doings of the General Assembly, Governor and Council, and Board of War, making appropriations for military services and expenditures. I have written to sixty town clerks, residing in towns which, by the law of this State, passed at Westminster, March 8th, A. D. 1780, were authorized to tax themselves for the purpose of carrying on the war, and for supplying a town stock of ammunition,—requesting each town clerk to copy all warnings and proceedings of his town connected with the same.

I considered it necessary to procure and arrange, as far as possible, the documentary history immediately connected with the military operations of this State during the Revolutionary War. I therefore, on the first day of June last, proceeded to Concord, N. H. At the Secretary of State's office I found the manuscript papers, before and during the war, well arranged, according to dates, and neatly bound into proper sized volumes. On making my business known, I was kindly received and every facility gratuitously tendered, by which means, in nine days I examined said manuscript papers, and completed an index of such documents as had an immediate reference to this State. I spent one day at Dunbarton, with Major Caleb Stark, grandson of General Stark, examining one bound volume

of manuscript letters, written and received by Gen. Stark during the war, particularly such letters as were written and received during the time he was on his way to Bennington, August, A. D. 1777, as well as during the time he had command in the northern department.

From Concord I proceeded to Boston. At the State department I found the documents well arranged, with an index to each volume. The Rev. Mr. Fett has for several years been employed in arranging and binding the manuscript papers in the State department. Mr. Fett kindly aided me in selecting the necessary documents in relation to the military operations in the northern department, so far as Vermont was concerned. At this office I completed an index of the documents in relation to taking Ticonderoga and St. Johns, amount of property taken, surrender of Ticonderoga, battles at Hubbardton and Bennington, surrender of Burgoyne, and all doings therewith connected. I called upon the Rev. Jared Sparks at Cambridge, who arranged and bound the letters addressed to General Washington, before and during the Revolutionary War. The Rev. gentleman had in his possession an index, giving the date, volume and page, and by whom written, of all the letters addressed to Gen. Washington, contained in one hundred and seventeen volumes. He kindly tendered me every aid and assistance in making such extracts from this index as was thought would be necessary in prosecuting my further inquiry. He informed me, that while he was in England making his researches for official documents and historical facts in relation to the American Revolution, he discovered in a private gentleman's library the original manuscript papers of letters received and answers sent by Gen. Haldemand, while he had the command in Canada. The public and private correspondence with gentlemen in the Grants, and other portions of this Government, are here to be found. I also called on the Hon. George Bancroft of Boston, the American historian, who kindly furnished me with many historical facts which he had discovered, in relation to the military operations of the northern department.

From Boston I proceeded to Worcester, where I spent two days in examining files of newspapers, books and pamphlets, belonging to the American Historical and Antiquarian Society. I here found proceedings of several early conventions, held by the people in this State, published in the papers; also several communications, and one pamphlet, directed to be published by the Governor and Council of this State, A. D. 1779 and A. D. 1780.

At Hartford, Conn., I spent a few days examining the bound manuscript papers in the State department. I here procured a late publication, entitled "A historical collection from official records and files, of the part sustained by Connecticut during the War of the Revolution, with an appendix containing important letters and depositions, written during the war," compiled by Royal Hinman, Secretary of State. I also examined files of papers in the office of the Connecticut Historical Society, and noted many important historical facts.

From Hartford I proceeded to Washington, and on the 27th of June I made application to the Chief Clerk in the State department, the Secretary of State being absent. I was here permitted to make such examination of the manuscript documents as I considered necessary. I here found one hundred and seventeen volumes of letters addressed to General Washington; also many volumes of Washington's letters in answer. I commenced April, A. D. 1775, and turned over each leaf of each volume from that date up to and including A. D. 1782, noted such communications as in any

manner related to the New Hampshire Grants, the date, by whom written, and contents. I examined letters of Gov. Thomas Chittenden, Ethan Allen, Levi Allen, Moses Robinson, Roger Enos, Ira Allen, Stephen R. Bradley, Joseph Marsh, Peter Olcott, Timothy Beedle, President Ware, John Wheelock, Gen. Philip Schuyler, Gov. George Clinton, Gen. James Clinton, Gen. Garnsworth, Gen. Benjamin Lincoln, Gen. John Stark, Gen. Gates, Gen. Heath, Gen. Benedict Arnold, Gen. Montgomery, Gen. Sullivan, Col. Seth Warner, General Wooster, as well as many others, written to Gen. Washington and to Congress; also his answers in relation to the military operations and civil affairs in the northern department, including the New Hampshire Grants. I here found two volumes of printed and manuscript papers, marked "New Hampshire Grants, reports of committees and papers relative to, from A. D. 1776 to 1784." In these two volumes I find certified copies of the proceedings of all conventions of the people inhabiting the Grants, previous to the meeting of our first General Assembly, March, A. D. 1778, besides the proceedings of the Provincial Congress of New York and New Hampshire in relation to the Grants. I copied several important letters, written by the aforesaid general officers and gentlemen. Several of the letters, at the time they were written, were secret, confidential letters to and from Gen. Washington, with enclosures testifying as to the correspondence between the leading men in the Grants and the British commander in Canada; the condition of the Continental troops in the northern department; want of clothing, provisions and ammunition; withdrawing the pick-axes, bars, shovels and spades from the Grants; inhabitants not being protected, going over to the British, or joining with the Grants; destruction of Fort Ann, Fort George, and Skeelesborough; taking of prisoners, scalping, burning of buildings and crops; arrangements completed by the Cabinet of Vermont with the British commander; conventions east of Hudson River; union with the Grants; number of British troops at Ticonderoga, Crown Point and Canada; eating up their provisions; their return to St. Johns; proceedings of the Legislature of New York, prohibiting the Commissary buying provisions for troops; would raise eight hundred militia, provided Congress would pay and victual them; threatening to withhold supplies, &c. From these official letters important facts are to be gathered from the commencement to the close of the Revolutionary War. I have succeeded in discovering all the pamphlets and handbills published by direction of the General Assembly, Governor and Council, during the war, in relation to the New Hampshire Grants being a free and independent State, and the controversy with New York, New Hampshire and Massachusetts Bay. These I have in my possession, with few exceptions. But very few of these letters, which I have referred to, have ever been published.

On my return, I spent a few days at the State department in Albany. The State of New York has recently published the proceedings of their Provincial Congress, with letters addressed to said Congress, in two large volumes. These I have procured. At Bennington, I made a thorough search for important documents, but few could be found; also at Shaftsbury, Arlington, Sunderland, Tinmouth, Williston, and Jericho, in hopes of finding original letters addressed to Gov. Chittenden during the war.

I was absent from my residence, in making what I considered to be necessary inquiries connected with this subject, ninety days. It may be thought that I have far exceeded my powers, or the design of the Legislature, in endeavoring to ascertain the amount of the expenditures on the

part of this State, occasioned by the Revolutionary War, as well as the documentary history connected therewith. Every intelligent Vermonter already knows that but very little has heretofore been published in relation to the Revolutionary military operations in Vermont or northern department. Therefore, to investigate the facts at this late day, and ascertain whether this State has a just claim upon the Government of the United States for expenses incurred during the Revolutionary War, the whole field must be examined. Whatever documents we are deficient of in our State department, immediately connected with said facts, it becomes necessary to procure and arrange. I have endeavored to do this in as prudent and perfect a manner as my personal means and time assigned would permit. In doing this, I was under the necessity of examining the many hundred bound volumes of manuscripts in the different State departments. I am nearly able to note the volume, page, date and substance of the documents needed, and in some instances have copied, and procured copied, important documents.

At the commencement of the Revolutionary War, each of the then thirteen States or Colonies were in a manner bounded by their several grants or charters from the English crown; but in forming the confederacy, the New Hampshire Grants could not be considered as belonging to said Union. The State of New Hampshire previous to this date had relinquished her claim. New York, by improper means, procured a decree from the crown, extending her bounds to the west bank of Connecticut River. Yet, on petition of the Green Mountain Boys, the crown was graciously pleased virtually to rescind the aforesaid decree as early as A. D. 1767.

The people of this State, for the purpose of establishing government, met in convention from time to time, and at length, on the 15th of January, A. D. 1777, in convention at Westminster, declared this State a free and independent State. From that period until this State was admitted into the Union, we were in most instances treated as a distinct community, both by friends and foes.

The important military services rendered the United States by the patriots of this new self-created republic during the Revolution, need only to be partially enumerated, in order to enable any man to come to just and honest conclusions as to the importance of those services. On receipt of the news of the British striking their first blow at Lexington, a few patriots assembled together at Bennington to consult for the general good. The proceedings at Westminster on the 13th of March previous were discussed, also the proceedings of the convention at Westminster 12th April. Their difficulties with their old adversary, New York, were revived. The question—what is best to be done, all things considered? was then under consideration. We find these few patriots thus situated, without funds, with few implements of war, contemplating on the vast importance of surprising and taking the Gibraltar of America, a place which took the whole united colonies, aided by the crown, years to subdue, previous to A. D. 1759. Col. Ethan Allen and Col. Seth Warner favored the design;—this was enough. The Green Mountain Boys were invited to join,—they assembled at Bennington. It was then that they were joined by a few individuals from Connecticut and Berkshire County. From thence they marched, under the command of Allen, and in the gray of the morning on the 10th day of May, A. D. 1775, Allen, on the walls of Ticonderoga, issued his proclamation in behalf of the Green Mountain Boys and Continental

Congress, Warner surprised the fort at Crown Point and the nest that formed a communication betwixt the colonies and Canada. Not yet satisfied, follow them to Canada. Fort St. John surrendered, and they returned with their shipping, cannon and military stores in triumph to Ticonderoga. Again follow the Green Mountain Boys to Canada, under the command of Schuyler, then Montgomery, Allen, Warner and Baker, to the close of that campaign. Again on receipt of the news of the defeat and death of Gen. Montgomery, their beloved friend, we find Warner at Bennington, with Ira Allen, Bowker, Safford and Brunson, recruiting a regiment of Mountain Boys, soon on their march in the dead of winter, 1776, for Quebec, for the relief of the long neglected and suffering American army; and there, amidst disease and death, Warner makes his report of having 291 effective men, exclusive of officers. Follow the Americans in their retreat from Quebec. You there find Warner, with the sons of this republic, protecting the rear of the American army, closely pursued by the enemy, picking up the lame and diseased, assisting and encouraging those who were the most unable to take care of themselves, and generally keeping but a few miles in advance of the British, who were rapidly pursuing the American army from post to post. By steadily pursuing this conduct he brought off most of the invalids, and with his corps of infirm and diseased he arrived at Ticonderoga a few days after the body of the army had taken possession of that post. Highly appreciating his extraordinary exertions, the American Congress, on the 5th day of July, A. D. 1776, the day after they had declared Independence, resolved to raise a regiment out of the troops which had served with so much reputation in Canada. Warner was appointed Col. and Safford, Lieutenant Col. of this regiment, and repaired to Ticonderoga, where they remained till the close of the campaign.

At the time the American army returned to Ticonderoga, sick, naked and broken hearted, without provisions, &c. to whom did they apply for immediate relief but to the Committee of Safety at Bennington, for a regiment of soldiers and for provisions? This request was received at 11 o'clock, A. M. At 3 o'clock, P. M. the Committee returned answer, saying "1000 bushels of wheat is now ready, part at the mill grinding. Teams will start tomorrow with loads of flour, and will forward the remainder as soon as you will send men to drive the teams, for our men are now almost all with you."

Again follow the Green Mountain Boys, 6th July, A. D. 1777, at the time St. Clair ordered Ticonderoga evacuated. The last to leave the fort, Warner, with his boys, was ordered by St. Clair to cover the retreat of the Continental army. Overtaken and surrounded by the enemy, and forsaken by St. Clair, he fought his way through all opposition, brought off the troops that refused to capitulate with Hale, checked the enemy in their pursuit, and contrary to all expectation arrived safe at Manchester.

What next? Gen. Philip Schuyler, Commander-in-Chief of the northern army, requires Warner and Stark forthwith to march from Manchester to Stillwater. The Cabinet Council of this Republic entered their solemn protest against Gen. Schuyler's power to give directions to the military operations in this Republic, (he being nothing more than a Continental officer.) The Council required Stark and Warner to march to Bennington. Here many of the left wing of Burgoyne's army found their grave, and the remainder safely camped in Bennington meeting-house, well guarded by the sons of freedom.

Where next? A portion of our troops are on their way to aid Gen. Gates

in his operations against Burgoyne. The remainder, in Burgoyne's rear, under the command of Col. Samuel Herrick, took possession of Burgoyne's reinforcement at Ticonderoga landing, with 200 batteaux and one schooner loaded with provisions and military stores, 291 prisoners; released 100 Continental prisoners taken at Hubbardton, 7th July; took possession of Lake George, and at length drove the remnant of the British army from Ticonderoga, Crown Point, Mount Independence, and Mount Defiance.—Capt. Ebenezer Allen, to close the campaign, with fifty Green Mountain Boys surprised and took forty-nine of the enemy, one hundred horses, sixty head of cattle and thirty wagons, and marched them triumphantly up to Bennington. Thus closed the campaign of A. D. 1777.

Honest and sincere was Burgoyne when he wrote his Majesty—"The district of the New Hampshire Grants, a wilderness little known in the last war, abounds with the most hardy, active, rebellious race of men on the continent, who hang like a gathering storm ready to burst on my left." By the united forces of the Americans on the plains of Saratoga was witnessed the surrender of the remnant of Gen. Burgoyne's army, the left wing and the rear of this powerful army having been already captured by the Green Mountain Boys; which was, no doubt, of the greatest consequence to the then pending cause of the United States, from its more than threefold effects,—first, in uniting and strengthening the people and armies thereof; second, in discouraging the British and Hessians and loyalist troops in America, and strengthening the minority and opposers to the war in England and Ireland, which weakened the bonds of the ministerial sticklers for such a man in Great Britain, and lessened the influence of the Tories in the United States. Thirdly, it enabled the United States to conclude a treaty with the French nation in 1778, which brought the French fleet and armies to act in concert with the ships and armies of the United States, with supplies of military stores, and not only opened the ports of France to the cruisers of the United States, but it brought France and other powers into war with Great Britain, and added generally to the consequence and credit of the United States in Europe, and enabled Mr. Adams to establish loans and to purchase military stores in Holland. During the campaign of A. D. 1778 and 1779 Vermont protected the northern frontier, and in the mean time contributed troops to the protection of the inhabitants in the vicinity of Albany. The campaigns of A. D. 1780 and 1781 may well be considered the two most important campaigns during the Revolutionary War. The British had about 30,000 troops in America; 20,000 of these troops south of West Point, and from 7,000 to 10,000 in Canada. Vermont, July, 1780, appealed to Congress for help. No answer was received—no aid rendered. We appealed to each of the Legislatures of the New England States, as well as to New York. No answer was received—no aid rendered. The British came up the lake with a powerful army, possessed Crown Point and Ticonderoga; destroyed Fort Ann and Fort George; took prisoners, killed and scalped many of the inhabitants in the northern part of New York, and even south of Fort Edward; took hundreds of prisoners, destroyed by fire their habitations, and returned to Ticonderoga unmolested by the New York troops, being reinforced in October, A. D. 1780. It was admitted by the officers commanding the northern department, that Albany and Schenectady must be the northern line of defence.

It was at this time, while the blood of the murdered citizens and the smoke of the burning habitations of the good people of Royalton were

going up to Heaven, that Allen demanded of the proud Gen. Carlton to stay the tomahawk and scalping knife in this State, as well as in the northern part of New York. This demand was complied with, and hostilities ceased during the remainder of this campaign.

During the campaign of A. D. 1781, after being disowned and threatened with immediate annihilation by Congress, claimed by neighboring colonies, and threatened with invasion by said colonies, these threats and these denials brought the Green Mountain Boys square upon their taps; and on the 14th of February, A. D. 1781, the Legislature of this Republic laid jurisdictional claim to sixteen towns east of Connecticut River, and west to Hudson River, ready for the campaign.

The British were again in possession of Crown Point and Ticonderoga; the Continental troops withdrawn from the northern department to aid in the southern department; the capturing of Lord Cornwallis; the northern department in New York almost to a man disheartened, without provision, without money, without credit; the Indians pillaging and plundering the commanding General's habitation of his silver plate, took away his guard. It seems to me that they were as destitute of patriotism as they were of money or the necessaries of life. The Cabinet of this State were under the necessity of adopting policy in lieu of power. They did negotiate an exchange of prisoners with the common enemy. It was the policy pursued by the Green Mountain Boys that prevented the British from south of West Point and from Canada uniting and laying waste a territory much more extensive than our own Republic. Such was our policy and such our military force at this period, that a general officer in the northern department writes to Gen. Washington, "Vermont troops are about to garrison Fort Edward."

It was during this campaign that we received an acknowledgement from the British commander, lamenting the accidental death of one of our sergeants. It was on the 27th October, 1781, that his Excellency Thomas Chittenden issued his proclamation appointing Tuesday, the 16th day of December, as a day of public thanksgiving and praise to Almighty God, wherein he said "that He has been pleased to direct our councils and bless the administration of civil government in this State, and been graciously pleased to defend our frontier settlements in the midst of calamitous war, and in so signal a manner granted success to the American arms and their allies, in every part, both by sea and land. That in due time the just cause of this State may be fully acknowledged, when our enemies shall be confounded, when iniquity shall hide its head, and all nations be at peace." On the 14th of November, A. D. 1781, Gov. Chittenden wrote a confidential letter to Gen. Washington, informing him of the policy pursued by the Cabinet Council of Vermont, at the close of which he says, "And in the month of October last the enemy appeared in force at Crown Point and Ticonderoga, but were manœvered out of their expedition, and are returned into winter quarters in Canada, with great safety, that it might be fulfilled which was spoken by the prophet, 'I will put my hook in their nose and turn them back by the way which they came, and they shall not come into this city (alias Vermont) saith the Lord.'" Thus closed the campaign of 1781. Gen. Washington was pleased, on the 12th January, A. D. 1782, to answer Gov. Chittenden's letter, by addressing a letter to Thomas Chittenden, giving him some gentle reproof. Gov. Chittenden, on the 6th March, in answer, says, "The glory of America is our glory, and with our country we mean to live or die, as her fate may be." Speak-

ing of the delegates of Vermont being at Congress, he says, "should Heaven prosper the design of their negotiation, we please ourselves much that we, who are of one sentiment in the common cause, and who have but one common interest, shall yet become one nation, and yet be great and happy." During the campaign of A. D. 1782, Vermont protected the northern frontier from invasion, and rendered essential service to the officers commanding in the northern department to the close of the war.

After collecting and examining the documents, as published by the founders of this State, as well as the documents on the part of New Hampshire, Massachusetts Bay and New York, (a list of which is herewith transmitted, with the documents inclosed,) I am decidedly of opinion that Vermont had a just right to form an independent republic;—that Gen. Allen was right when he said—"And whereas this State hold their charter of liberty from Heaven and not of man or the will of man, have, upon a full and candid examination and consideration, determined not to submit Heaven-born freedom to the arbitrament of any tribunal below the stars." This Republic took from the enemy a large amount of military stores, and expended more than five hundred thousand dollars in defence of the United Colonies, for which we have received no compensation. Our fathers expended this money more for the protection and benefit of the thirteen American Colonies than for their own protection or interest. Various acts of the Provincial Congress go to show that they considered the New Hampshire Grants a separate, distinct and independent Republic. Numerous are the instances in which the Provincial Congress asked of this Republic assistance to fight their enemy. It is also a fact that the Provincial Congress, through their President and the commanding General of the American army, did, from time to time, ask from the Executive Cabinet of this State the performance of various important trusts. They did ask permission of the Executive of this State to arrest deserters from the Continental army within our territory. Permission was granted, upon the condition that no deserter, after being apprehended, should be taken out of our territory, without a fair hearing before a proper tribunal. They did refuse to lend their influence to redeem our citizens who were prisoners in the hands of their enemy. They did refuse to loan us seven of their prisoners in order to enable us to make an exchange with their enemy for an equal number of our citizens, even after we had furnished them with more than one thousand one hundred and fifteen prisoners taken of their enemy, in order to enable them to make an exchange with the enemy. They did resolve to move the cannon and other military stores, captured by the patriots of this State, to the south end of Lake George, when in our possession; and that the south end of Lake George should be the northern line of defence. Allen, the commander of the Green Mountain Boys, virtually refused to comply with said dishonorable, arbitrary and tyrannical resolves. He sent his agent to the Provincial Congress with his solemn protest against the removal of said cannon and military stores to the south end of Lake George, and against said place being established as the northern line of defence. The Provincial Congress thereupon reconsidered their former unjust resolve. They virtually asked permission to move a portion of the cannon from Ticonderoga and Crown Point, in order to enable the commanding General to drive their enemy from the town of Boston. It was our cannon, placed at New Haven, New London, Groton, and Stonington, that bid defiance to the rule of tyrants. It was our cannon that drove the British from the town of Boston. It is a fact,

that Gen. Washington placed the most unbounded confidence in the Cabinet and leading men in Vermont. It is a fact, that the commanding General of the American army was made acquainted with the necessity of the Cabinet Council of this State adopting policy instead of power, and that he virtually approved of the same. Approving of this policy, he withdrew many regiments of Continental troops from the northern department in order to aid the southern army in the capture of Lord Cornwallis, well knowing that the enemy, from seven to ten thousand, were in Canada and at Crown Point and Ticonderoga, ready to lay waste the northern frontier, and believing that the Cabinet Council of the Green Mountain Boys were capable of using deception to obtain justice from the hands of tyrants for the benefit of the suffering American Colonies. Yes, on the receipt of the news of the surrender of Lord Cornwallis, the commanding General of the northern department issued a general order for the discharge of fourteen cannon, one for each of the thirteen Colonies, and one in honor of the free and independent State of Vermont.

Whatever our fathers expended on account of the Revolutionary War, was done as an independent Republic, and in as independent a manner as that of France or Holland. Therefore I am of the opinion that this State ought not to ask of the United States any remuneration other than in that character. I do believe that the accompanying documents will sustain every important fact alluded to in the foregoing, and that we have an equitable, just and well founded claim against the United States for a sum exceeding five hundred thousand dollars, exclusive of interest, exclusive of property destroyed by their enemy, exclusive of military stores,—more than three hundred cannon, tons of balls, barrels of flints, tons of powder, two hundred batteaux, and one sloop, containing provisions and military stores, delivered for the benefit of the Colonies. Again, for all these services we have received no compensation, and been honored with only *one gun*.

All of which is respectfully submitted.

I am, sir, your Excellency's obedient servant,

HENRY STEVENS.

Barnet, Sept. 27, 1842.

REPORT ON RESOLUTION FROM HOUSE OF REPRESENTATIVES RELATING TO COMMISSIONER OF THE DEAF, DUMB, &c.

To the Senate now sitting :

The committee to whom was referred a resolution from the House of Representatives, as follows,—“*Resolved, by the Senate and House of Representatives, That Henry Stowell, Post Master at Cambridge, was not constitutionally eligible to the office of Commissioner of the Deaf and Dumb and Blind at the time of his last election, and has had no right to perform the duties of such Commissioner the past year,*” having had the resolution under consideration, respectfully report,—

That they are unable to find any reason for concurring with the House in passing the resolution. The committee suppose, from a report which is connected with the resolution, that the House directed any inquiry to be made by a committee of that body, to ascertain whether any persons holding offices of trust and profit under the General Government are also holding offices of trust and profit under the State of Vermont. This inquiry was made on the part of the House and not by the General Assembly of this State, and in which the Senate had not joined or taken any part or action. It would seem, further, that a report was made by a committee of the House, to the House, in which they state certain facts as the reason or foundation of the resolution. This report of the committee is now sent to the Senate, as the foundation of action of the Senate, and connected with the resolution under consideration. The committee believe this proceeding is novel, at least, in legislative proceedings, and that the Senate cannot well take the report of a committee of the other branch of the Legislature, in form as a report, as a substitute for a preamble to a resolution, or as establishing reasons or facts for the action of the Senate. But, to take the report made to the House of Representatives by “Joseph Baker, for committee,” as establishing the facts therein set forth, still your committee do not see any occasion for passing the resolution, and cannot believe that it ought to receive the sanction of the Senate.

Your committee have been furnished with an affidavit, subscribed and sworn to by Jesse Sears, which states that Henry Stowell, according to his best knowledge and belief, is a Post Master in Cambridge, and has been for more than a year; and a certificate from E. S. Merrill certifies that Henry Stowell is Post Master at Cambridge; which papers your committee submit to the Senate.

Suppose that Henry Stowell was, at the time of his election as one of the board of Commissioners for the instruction of the deaf and dumb and the blind, ineligible to that place, your committee cannot perceive what, then, can be the object of the resolution. Is it to pass censure upon the Legislature electing him? or is it to condemn his election? or to establish a precedent for future action? Henry Stowell does not now hold a place in the Board of Commissioners for the deaf and dumb. Another person has been elected by the present Legislature in his place, and the committee are not

aware that any further duties or acts are to be performed by him as a Commissioner.

Is it proposed by the resolution to set aside his acts as a Commissioner, or declare them void? The committee suppose that he acted with the other members of the board, and the acts of a majority would be sufficient; and in that respect the acts of the board would be good, provided Stowell was not authorized to act. Your committee further believe, that the duties performed by him under his appointment, supposing that he was not eligible to the place, could not be vacated or annulled in this manner.

Your committee have supposed that another view of the case might have been contemplated;—that if Stowell was not eligible to the appointment, he should not be entitled to the compensation allowed by law for his services. It has been shown to your committee, that said Stowell has presented to the Auditor his account for service in the discharge of the duties as Commissioner, and the amount has been allowed by the Auditor against the State, and an order drawn on the Treasurer for the same, according to the provisions of law; and the order has probably been paid by the Treasurer. Could the State recover back from him the amount paid him for his services? Your committee think not; and at any rate that the passing the resolution would not aid such a result, and that it would be the appropriate business of the judiciary to pass upon such a question, when it should be presented to them. If the payment had not been made, would the State be under less obligation to pay Mr. Stowell for the services which he had performed and the expenses he had incurred, because he was holding another office incompatible with his being a Commissioner? Your committee do not believe that the Senate would withhold payment for this reason.

Your committee believe that it has always been the practice to pay the debentures of returned members of the Legislature, when it has been ascertained that the returned member was not eligible to a seat in the Legislature, up to the time his case was passed upon by the body to which he was returned; and the returned member has been permitted to act as a member until it was decided by the body, who have the power to pass upon the eligibility of its members, that he is not entitled to a seat as a member. If sums paid to returned members, in all cases where it has been correctly decided that they were not eligible to a seat in the Legislature, could now be recovered back from them, it would probably amount to a considerable sum.

It would appear to your committee to be singular legislation, for the Legislature this year to declare, that a returned member of last year was not eligible to an appointment in the Legislature. Your committee believe that when a person is performing the duties of an office, or claiming to hold an office, where his right to hold the office is questioned, whether it be because the person is not eligible to the office, or because his election was not duly made, the right to the office is determined upon a proceeding upon a *quo warranto*, before a judicial tribunal. In the Legislature the jurisdiction of the election and qualifications of the members is given to the house to which they are returned. Is the proceeding under consideration in the nature of a proceeding upon a *quo warranto*? Your committee believe it is not and cannot be likened to it; and further, that the Legislature have no such jurisdiction. The Constitution of this State provides,—“Nor shall any person holding any office of profit or trust under the authority of Congress be eligible to any appointment in the Leg-

islature, or of holding any executive or judiciary office under this State." The committee understand that the office of Justice of the Peace is a judiciary office; and assuming that the office of deputy Post Master is an office of profit or trust under the authority of Congress, yet the committee understand that the highest judicial tribunal in this State has decreed that the acts of a justice, appointed by the General Assembly of this State, and the same justice being also a deputy Post Master, his judicial acts and proceedings are not void. Such a decision your committee believe is founded upon principles of justice, reason and established precedents.—The acts of a justice thus situated should not affect the rights of third parties, and if he was improperly exercising powers not belonging to him, he should be removed from his office by a legal proceeding. The proceeding under a *quo warranto* could not well be had after the person had gone out of office, and if it could be had, the committee are not aware that it would be competent to declare the acts of the justice void, before his removal.

Perhaps the object of the resolution is to have a declaration of the opinion of the Legislature, whether a deputy Post Master is eligible to the board of Commissioners for the instruction of the deaf and dumb and the blind.

Upon this question your committee have no hesitation in giving their opinion. Your committee believe that a deputy Post Master is eligible to the board of Commissioners. It has been too often decreed by the Legislature of this State that the office of deputy Post Master is an office of profit or trust under the authority of Congress, within the meaning of the Constitution, before recited, to remain an open question, or leave your committee at liberty to submit a different opinion; yet your committee, in justice to themselves, have to say, that if the question was an open one, and your committee were at liberty to form an opinion for themselves, they would hold a contrary opinion.

Is the appointment of a Commissioner for the instruction of the deaf and dumb and the blind an appointment in the Legislature, or is such Commissioner holding any executive or judiciary office under this State? Your committee cannot imagine any argument to sustain the affirmative of the proposition. Is the appointment of a Commissioner an appointment in the Legislature? A Commissioner is appointed by the Legislature, and his duties consist of a charge of the fund appropriated by the Legislature for the benefit of the deaf and dumb and the blind, and to designate beneficiaries to the Asylum and New England Institution.—These duties are not in the Legislature. The construction of the Constitution, in this particular, heretofore given, has been, that members of either branch of the Legislature, was an appointment in the Legislature, and never has been extended to appointments made by the Legislature, and cannot with any propriety be extended to a case like that of Commissioner of the deaf and dumb.

Then is a Commissioner holding an executive or judiciary office? An answer in the affirmative would confound all definitions and distinctions which your committee are acquainted with.

Executive duties pertain to the execution of the laws or the precepts of courts of justice, such as the President, Governor, Marshall, Sheriffs, &c. A judiciary officer is one who is charged with the administration of judicial proceedings in courts of justice, &c.

Your committee therefore conclude that a Commissioner for the instruc-

tion of the deaf and dumb and the blind is not an appointment in the Legislature, and is not an executive or judiciary office, within the meaning or intent of our Constitution.

E. N. BRIGGS,
THO'S BARTLETT JR.,
SALMON F. DUTTON,

REPORT OF THE COMMITTEE ON ELECTIONS.

By a resolution passed the Senate on Saturday, the Committee on Elections were instructed to report whether any member of their body were holding a seat here, who was at the time of his election holding an office of trust or profit under the authority of Congress, and to report such facts in the matter as had come to their knowledge.

On examination of Senator A. Allen, we find he has been Post Master at Fairhaven; that after his nomination for the office which he now holds in this body, to wit, on the 1st day of September, he forwarded his resignation to the Post Office Department, and recommended at the same time the appointment of another person in his stead, and from that time to the present he has not acted as Post Master at said Fairhaven in any manner, nor has he in any way availed himself of the franking privilege, believing, (as he says,) that he had no more right to exercise that privilege than any other individual in said Fairhaven. The Post Office has been kept in the store of said Allen, and the business done by the person he recommended to the Department to succeed him in that office, *as acting Post Master*. And believing, as a majority of your Committee do, that the said Senator Allen has performed every duty on his part requisite for him to do, to be fully discharged from said office of Post Master at Fairhaven, and his giving up and relinquishing all claim or use to the franking privilege, and having given up, on the 1st September, all the books, papers and all things pertaining or relating to the Post Office at Fairhaven to the said successor, and not having since that time given any direction in any way to said office,—he is, therefore, within the Constitution of Vermont, entitled to a quiet and unmolested seat in this body.

CALVIN TOWNSLEY, *for Committee.*

REPORT OF MINORITY OF COMMITTEE ON ELECTIONS.

To the Honorable Senate now in session :

The undersigned, the minority of the Committee on Elections, to whom were referred two resolutions, one of which instructed your Committee to inquire whether there was any member of the Senate now holding an office of honor or profit under the authority of Congress, and the other directing said Committee to inquire whether any Senator now holding a seat was ineligible to that office at the time of his election, presents the following report:—

That Alanson Allen, one of the returned Senators from the county of Rutland, was appointed Post Master for the town of Fairhaven, A. D. 1836, and that he has held the office ever since. In the winter of 1842 the said Allen received a letter from the Hon. Philo C. Fuller, requesting him to send his affidavit to the Post Office Department, stating that his bondsmen were responsible. This letter was answered by informing the Post Master General, that one of the said Allen's bondsmen had failed; and that if a new bond should be furnished, it would be executed and returned. After the said Allen's nomination and before his election a new bond was forwarded to him, which has not been signed. On the 1st day of September, 1842, the said Allen wrote and mailed his letter of resignation of the office of Post Master, directed to the Hon. P. C. Fuller, 2d Assistant P. M. General, which letter contained a request that Ira C. Allen, (the said Alanson Allen's nephew and partner,) should be appointed Post Master, to fill the supposed vacancy. On the 17th of Sept. last the said Alanson Allen received a letter from the said P. C. Fuller, requesting him to forward to the Post Office Department the aforesaid bond. Said letter did not acknowledge the receipt of the said Allen's letter of resignation. On the 22d day of Sept. the said Allen again wrote to the said Fuller, requesting to have his successor appointed as aforesaid. The bond aforesaid has not yet been executed, and the said Allen has not received an answer to either of his letters of resignation. The aforesaid Post Office is kept in the said Allen's store, and by his assistant, the said Ira C. Allen. Most of the way bills have been sent out in the name of Alanson Allen. The undersigned therefore recommends the adoption of the accompanying resolutions.

All which is respectfully submitted.

O. W. BUTLER.

REPORT AND RESOLUTIONS RELATING TO REPUDIATION.

To the Senate now in session :

The select committee to whom were referred certain resolutions, passed by the Legislature of the State of Kentucky, relative to the repudiation of State debts, respectfully report:

That the State of Vermont, being free from any public foreign debt, is not, consequently, required, by way of pledge, to make to other States or governments, any declaration of her views in relation to the sacredness of such debts; but being called upon by the resolutions above named to express her views upon the subject, she stands ready to disclaim all fellowship with the doctrine, that a State may or can refuse the payment of her just debts, whether foreign or domestic, and then, under the shield of State sovereignty, escape the discredit ordinarily attached to the violation of moral obligations. The State of Vermont deems such obligations equally binding upon governments and individuals, and considers the doctrine, that a State may repudiate her debts, as nearly allied to the barbarous and unchristian doctrine, that "might makes right,"—a doctrine, indeed, too often carried out in practice, if not avowed; but which has, however, been *professedly* repudiated by the civilized world.

Your committee, therefore, would recommend, as expressive of the sentiments of the people of this State relative to this subject, the adoption of the following resolutions.

H. EATON, *for committee.*

Resolved, by the Senate and House of Representatives of the State of Vermont, That this State has no sympathies with that legislation which violates the pecuniary obligations of a State, and takes shelter under State sovereignty, to evade the force of those obligations.

Resolved, That such a course is a violation of that good faith and high moral principle which should regulate the conduct alike of governments and individuals, and that it leaves upon the character of the government that resorts to it, a stain which nothing but a return to the path of honesty and rectitude, or an indefinite lapse of time, can wipe away.

Resolved, That his Excellency the Governor be requested to transmit a copy of the foregoing resolutions to the Executive of each of the several States.

**REPORT AND RESOLUTIONS RELATIVE TO REDUCING
POSTAGES AND ABRIDGING THE FRANKING PRIVILEGE.**

The committee to whom were referred the documents communicated to the Senate by his Excellency the Governor, at the commencement of the session, from the Legislatures and the Executives of other States of the Union, having had under consideration the following resolutions adopted by the Senate and House of Representatives of the State of New York, on the ninth of April last, and transmitted to the Governor of this State, to be laid before the Legislature thereof, to wit :

“ STATE OF NEW YORK.

“Resolved, as the sense of this Legislature, That the franking privilege, tolerated by the post office law of the United States, is a monopoly unsuited to the spirit of the age, subject to enormous abuses, and an unreasonable burden to the few letter correspondents that bear the principal expense of the establishment, and ought to be abolished.

“Resolved, That for the purpose of diminishing the burdens of correspondents, increasing the revenues of the post office establishment, and restoring the community, rich and poor, to an equal participation in its benefits, letter postage ought to be greatly reduced, and the disparity between the charge of letters and other matter carried in the mail, corrected.

“Resolved, That our Representatives and Senators in Congress be respectfully requested to use their best endeavors to procure a reform in the post office laws, based on the above views.

“Resolved, That the Executive of this State be respectfully requested to transmit copies of the foregoing resolutions to the Senators and Representatives of this State in Congress, and also to the Executives of our sister States, with a view to their being laid before their legislative bodies.”

Respectfully report the following resolutions, which they recommend for adoption :

Resolved, by the Senate and House of Representatives of the State of Vermont, That they do concur in the said resolutions above recited ; and that our Representatives and Senators in Congress be respectfully requested, to use their best endeavors to procure a reform in the post office laws, in conformity with the above views.

Resolved, That the Executive of this State be respectfully requested to transmit copies of the foregoing report and resolutions to the Senators and Representatives of this State in Congress, and also to the Executives of our sister States, with the view to their being laid before their respective legislative bodies.

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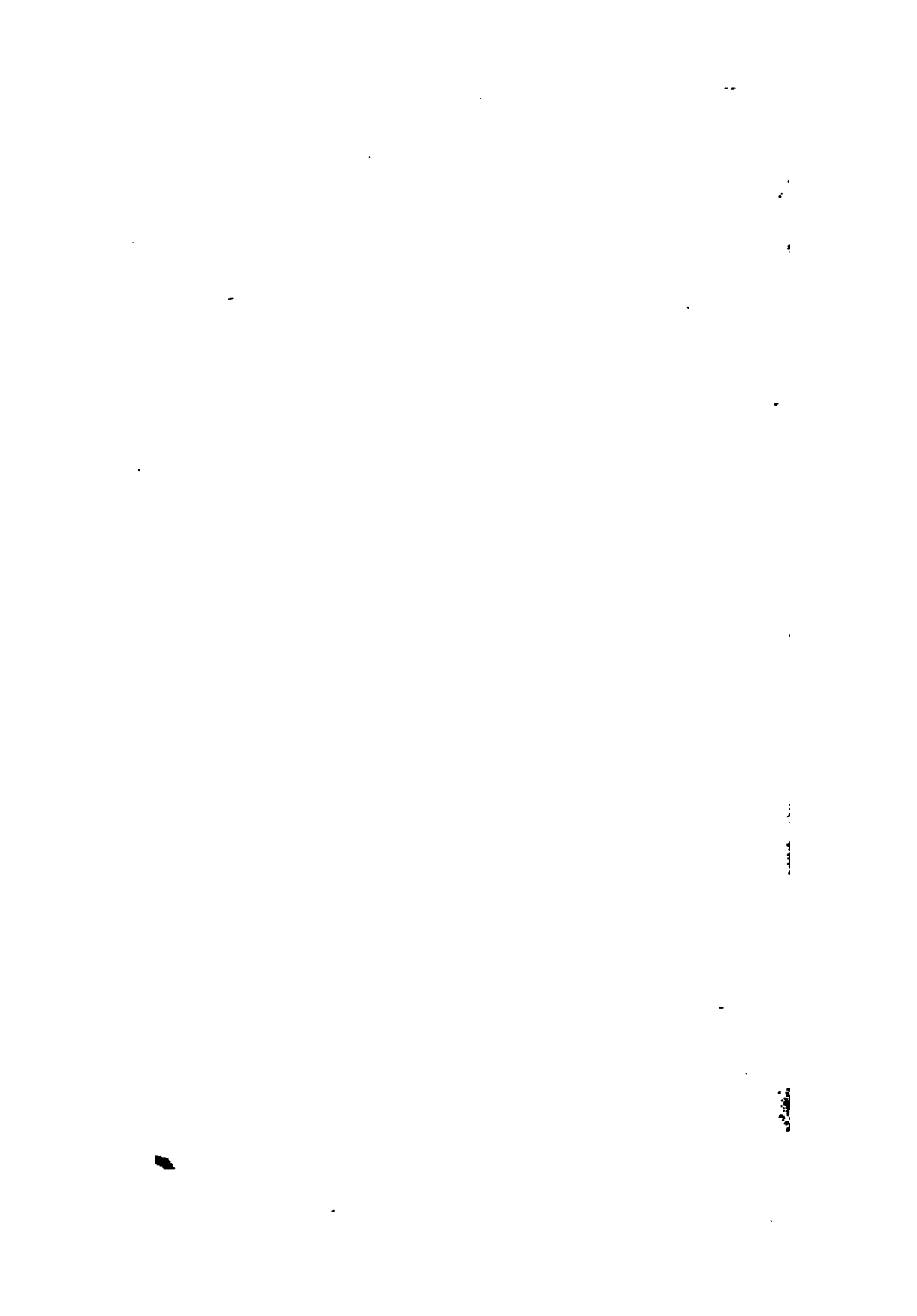
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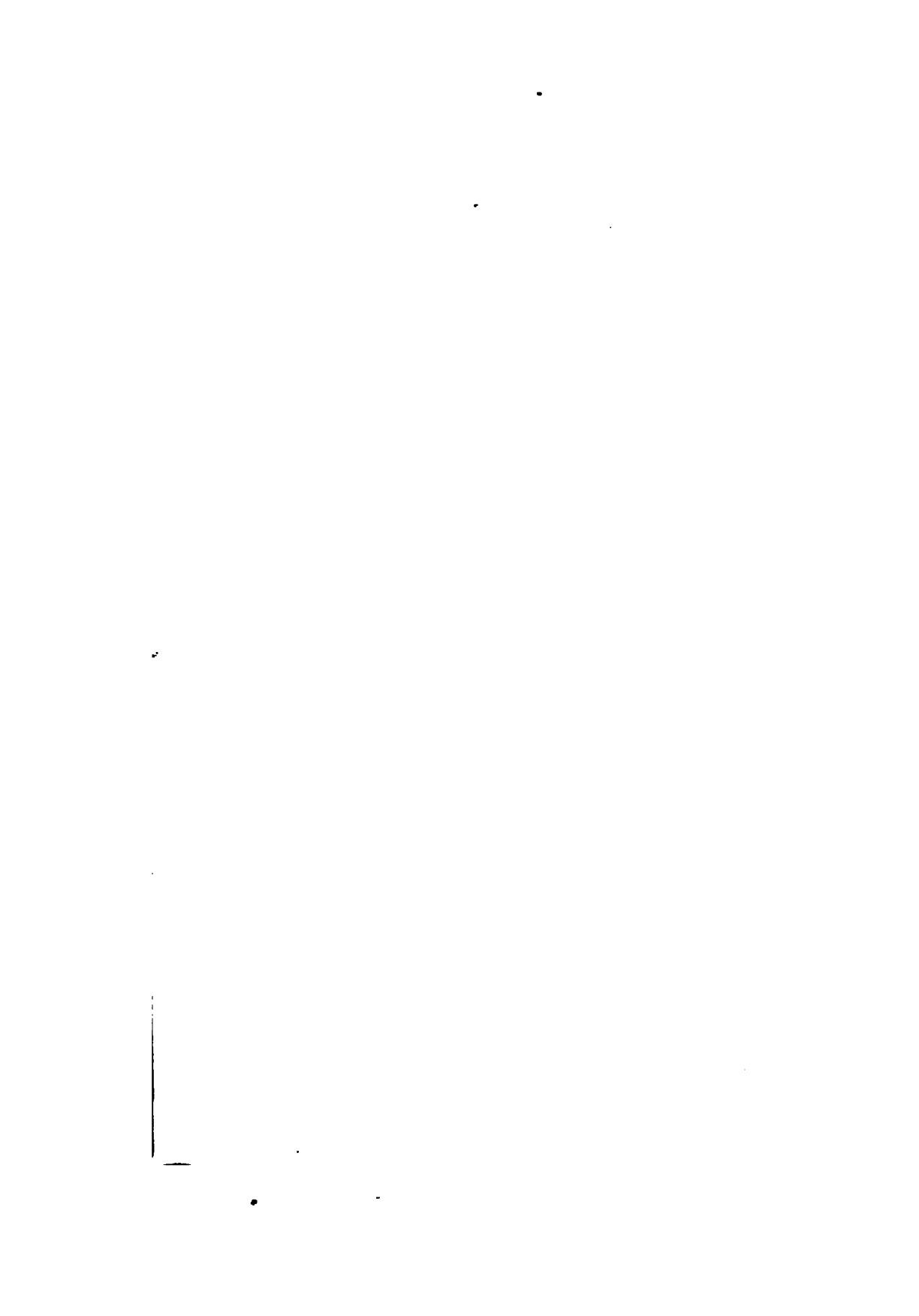
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JOURNAL

OF THE

SENATE

OF THE

S T A T E O F V E R M O N T,

OCTOBER SESSION,

1848.

PUBLISHED BY AUTHORITY.

MONTPELIER:
E. P. WALTON & SONS, PRINTERS.
1844.



JOURNAL.

THURSDAY, OCTOBER 12, 1843.

AGREEABLY to the provisions of the Constitution, the Senate of the State of Vermont convened, at the State House, in Montpelier, on the second Thursday, being the twelfth day of October, in the year of our Lord one thousand eight hundred and forty-three. In the absence of the Lieutenant Governor, the Senate was called to order by Mr. CLARKE, the Secretary, when the roll was called, and the following Senators answered to their names :

Bennington County.....BENJAMIN F. MORGAN,
LEONARD SARGEANT.
Windham County.....WILLIAM HARRIS,
SANFORD PLUMB,
SAMUEL F. THOMPSON.
Rutland County.....ALANSON ALLEN,
ELISHA ALLEN,
EBENEZER N. BRIGGS.
Windsor County.....HAMPDEN CUTTS,
SALMON F. DUTTON,
ABNER FIELD,
JOHN PORTER.
Addison County.....HARVEY MUNSELL,
PETER STARR.
Orange County.....EBENEZER BASS,
ELIJAH FARR,
LOREN GRISWOLD.
Chittenden County.....DAVID READ,
LUTHER STONE.
Washington County.....JACOB SCOTT,
WOOSTER SPRAGUE.
Caledonia County.....GEORGE C. CAHOON.
Franklin County.....GEORGE GREEN,
JONATHAN H. HUBBARD,
ALVAH SABIN.
Lamoille County.....ORION W. BUTLER.
Orleans County.....DAVID M. CAMP.
Essex County.....WARNER BINGHAM.

The oath of office was thereupon administered to the Senators present, by the Secretary.

On motion of Mr. Camp, the Senate proceeded to the election of a Pres-

ident *pro tempore*, and, the ballots having been taken and counted, it was found that the

HON. EBENEZER N. BRIGGS,
a Senator from Rutland County, was duly elected, and he, thereupon, was sworn, and took the Chair.

On motion of Mr. Starr, it was

Ordered, That the rules of the Senate of last session, be adopted as the rules of this session, until otherwise ordered.

On the nomination of the President, the following Senators were appointed the Committee, on the part of the Senate, to canvass the votes for Governor, Lieutenant Governor, and Treasurer, for the year ensuing:—Messrs. Morgan, Thompson, E. Allen, Porter, Munsill, Farr, Stone, Sprague, Cahoon, Green, Butler, Camp and Bingham; and they were sworn.

Mr. Butler introduced the following resolution, which was read and passed:

Resolved, by the Senate and House of Representatives, that both Houses meet in joint assembly this afternoon at 3 o'clock, to hear the report of the Canvassing Committee.

On motion of Mr. Munsill, it was

Ordered, That the Secretary inform the House of Representatives that the Senate have organized by the election of the Hon. Mr. Briggs their President *pro tempore*, and are ready to proceed to business.

On motion of Mr. Camp, it was

Ordered, That the Secretary cause to be provided for the President, the Secretary, Assistant, and each Senator, one daily and one weekly newspaper, during the session, such as each may designate.

On motion of Mr. Cutts, it was

Ordered, That a committee of two Senators be appointed by the President, to wait upon His Excellency the Governor, and inform him that the Senate have met and organized, and are ready to receive any communication he may please to make.

Mr. Cutts and Mr. Butler were appointed by the President to perform that duty.

Mr. Thompson introduced the following resolution:

Resolved, by the Senate and House of Representatives, that the Secretary of the Senate, and the Clerk of the House of Representatives, procure to be published, in pamphlet form, for the use of the General Assembly, six hundred copies of the Legislative Directory, embracing the Joint Rules, and the Rules of each House.

On motion of Mr. Sprague, the resolution was amended by erasing the word "six," and inserting in lieu thereof the word "four," and thus amended was adopted.

Mr. Cutts, from the select Committee appointed to wait upon the Governor, reported that the Committee had performed the duty assigned to them.

On motion of Mr. Butler, it was

Ordered, That the Senate do now proceed to the election of a Secretary, and Assistant Secretary, for the year ensuing.

Whereupon, the ballots were taken and examined, and

D. W. C. CLARKE

was found to be elected Secretary, and

ENOCH DAVIS,

Assistant Secretary, and they were thereupon duly sworn, and entered upon the duties of their office.

Mr. E. Allen presented the petition of Wallis Mott, and the memorial of William L. Sowles and others, praying that Wallis Mott may be admitted to a seat in the Senate.

And the said petition and memorial were severally read and referred to the Committee on Elections.

On motion of Mr. Camp, it was

Ordered, That the Senate do now proceed to elect a Chaplain for the year ensuing.

And on taking and counting the ballots, the

REV. GEORGE B. MANSER

was found to be elected.

On motion of Mr. Camp, it was

Ordered, That the Senate do now proceed to elect the Committee on Rules and the Committee on Elections.

The ballots having been taken and examined, the following Senators were found to be elected.

Committee on Rules—Mr. Camp, Chairman, Messrs. Dutton and Cahoon.

Committee on Elections—Mr. Sargeant, Chairman, Messrs. Sprague, and Starr.

On motion of Mr. Butler, it was

Ordered, That when the Senate adjourns, it will adjourn to meet at 3 o'clock this afternoon.

A message from the House of Representatives, by Mr. Merrill, their Clerk *pro tempore* :

MR. PRESIDENT :—I am directed to inform the Senate that the House of Representatives have organized by the election of the Hon. Andrew Tracy, Speaker, and of a Clerk *pro tempore*, and are now ready to proceed to business.

Mr. Phillips, a Senator elect from the county of Caledonia, appeared on the floor of the Senate, presented his credentials, and was sworn and took his seat.

A message from the House of Representatives, by Mr. Merrill, their Clerk *pro tempore* :

MR. PRESIDENT :—The House of Representatives have, on their part, appointed a Committee to canvass the votes of the freemen of this State for Governor, Lieutenant Governor, and Treasurer, for the year ensuing.

They concur with the Senate in passing the resolution providing for a Joint Assembly to hear the report of the Canvassing Committee.

On motion of Mr. Dutton,

The Senate adjourned.

AFTERNOON.

Mr. Butler presented the petition of Henry H. Reynolds, praying that he may be permitted to take a seat in the Senate without producing his credentials.

Which was read and referred to the Committee on Elections.

The hour appointed for the meeting of the Joint Assembly having arrived, the Senate repaired to the Hall of the House of Representatives.

Mr. Farr introduced the following resolution:

Resolved, by the Senate and House of Representatives, that both Houses meet in Joint Assembly, at half past 4 o'clock this afternoon, for the purpose of electing a Governor, Lieutenant Governor, and Treasurer for the year ensuing.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing a resolution providing for a Joint Assembly to elect a Governor, Lieutenant Governor and Treasurer, for the year ensuing.

The hour provided for the meeting of the Joint Assembly having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the meeting of the Joint Assembly,

Mr. Cutts introduced the following resolution:

Resolved, by the Senate and House of Representatives, that both Houses meet in County Conventions, on Friday next, at three o'clock P. M., to nominate County Officers, and that both Houses meet in Joint Assembly, on Saturday next, at 10 o'clock A. M., to make the County appointments.

Which was read and passed.

On motion of Mr. Starr,
The Senate adjourned.

FRIDAY, OCT. 13, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the resolution providing for County Conventions, and for a

Joint Assembly to make the County appointments, and the resolution providing for the publication of a Legislative Directory.

On motion of Mr. Thompson, it was

Ordered, That a Committee of two Senators be appointed to wait upon the Lieutenant Governor elect, and to conduct him to the Chair of the Senate.

Mr. Thompson and Mr. A. Allen were appointed by the President to perform this service.

The following Communication was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
Oct. 13, 1843. }

SIR :—I have the honor to inform the Senate that the House of Representatives have elected Ferrand F. Merrill their Clerk for the year ensuing.

I am, respectfully,

Your obedient servant,

ANDREW TRACY,

Speaker of the House of Representatives.

To the Hon. E. N. BRIGGS,

President pro tempore of the Senate.

Mr. Camp, from the Committee on Rules, reported the rules of the last session as the rules of the present session, without amendment.

And the report was accepted, and the rules adopted, as follows :

1. The credentials of Senators shall be presented to the Secretary or Assistant Secretary, previous to nine o'clock in the morning of the second Thursday of October, at which time the Senate shall be called to order. The names of the Senators shall be called over, and when a quorum shall have taken their seats, they shall, having first taken the necessary oaths, on nomination of the President, appoint a canvassing committee, consisting of one Senator from each county, to join such committee as the House of Representatives may appoint, whose duty shall be to receive, sort, and count, the votes for Governor, Lieutenant Governor, and Treasurer, and make report thereof to the joint assembly of both houses.

2. The Senate shall meet every day (Sundays excepted) at nine o'clock in the morning, and two o'clock in the afternoon, unless otherwise specially ordered.

3. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, and all errors therein corrected.

4. In case no quorum shall assemble within fifteen minutes after the time to which the Senate was adjourned, those present shall have power to send the Sergeant-at-Arms, or other officer, after the absentees, and compel their attendance.

5. Whenever the Senate shall assemble, according to adjournment, or at the commencement of a session, and the President shall be absent, it shall be the duty of the Secretary, if present, if not, of a Senator, to call to order; and the Senators present, if a quorum, shall, by ballot, elect a President pro tempore.

6. No Senator shall be absent without leave, unless he is sick, or otherwise necessarily detained.

7. No Senator shall audibly speak to another, or otherwise interrupt the business of the Senate, while the journals or other public papers are being read, or while a Senator is orderly speaking in debate.

8. Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished, shall sit down.

9. No member shall speak more than twice on the same question, without leave of the Senate; and Senators who have once spoken shall not again be entitled to the floor, (except for the purpose of explanation,) to the exclusion of another who has not spoken.

10. In all cases, the Senator first arising and addressing the President, (subject to the restriction of rule 9,) shall be entitled to the floor, and when two or more arise at the same time, the President shall name the one who is to speak.

11. When a Senator shall be called to order, he shall sit down, and every question of order shall be decided by the President without debate, subject to an appeal to the Senate.

12. If a Senator be called to order for the words spoken, the exceptionable words shall be immediately taken down in writing by the Senator calling to order, that the President may be better enabled to judge of the matter.

13. The first hour of each morning's sitting may be devoted to the reception and disposal of petitions, memorials, remonstrances, motions, resolutions, and the introduction of bills; after which, the orders of the day, or other proper business, shall be announced, always commencing with the unfinished business of the last sitting. The first hour of the afternoon's sitting may be occupied in the receiving and disposing of reports of committees, and in completing the business of the morning hour; at the expiration of which, the Senate will again take up the orders of the day.

14. Reports of committees may be signed by any member in behalf of the committee, and shall be by him presented to the Senate, when a call for reports is made. The signer of each report shall be held responsible for the accuracy of its statements and the propriety of its language, and when the same shall be under consideration, he shall be further liable to give additional statements of facts, or other explanations, in answer to the call of any Senator.

15. The proceedings of the Senate, except when acting as in Committee of the Whole, embracing the titles of bills, and such parts thereof as may be affected by proposed amendments, and also the names of Senators, and the votes which they give on every question decided by yeas and nays, shall be by the Secretary accurately and concisely inserted in the journals.

16. The Senate shall, annually, within the first four days of actual sitting, elect by ballot, (and a majority of all present shall be necessary to a choice,) a Secretary, and an Assistant Secretary, who shall be *ex officio* Engrossing Clerk, who shall be severally sworn to the faithful discharge of their duties, and shall hold said offices until superceded by a new election. The Senate shall also, within the same time, elect the following Standing Committees, to consist of three members each, to wit: On Finance,—on the Judiciary,—on Claims,—on Education,—on Agriculture,—on Manufactures,—on Elections,—on Rules,—on Military Affairs,—on Roads and Canals,—on Banks, and on Land Taxes.

17. In the appointment of Standing Committees, (except the one mentioned in rule 1,) the Senate will proceed by ballot, severally to appoint the chairman of each, and then, by one ballot, the other members neces-

ary to complete the same. In the election of a chairman, a majority of the votes given shall be necessary, but for the others a plurality shall be sufficient. All select committees shall be appointed by the President, unless otherwise ordered by the Senate.

18. All bills, after the second reading, and all petitions, memorials, remonstrances, resolutions, and other papers calling for legislative action, (except such as have been reported by a committee,) no objection being made, shall be referred by the President to appropriate committees.

19. Before any resolution, any petition, or other paper addressed to the Senate, shall be received and read, whether the same shall be introduced by the President or a Senator, the title shall be fairly endorsed thereon; and a brief statement of its object or contents shall be made by the introducer.

20. Every motion shall be reduced to writing by the mover, if required thereto by the President or a Senator; and a motion to lay another motion, the latter not being in writing, on the table, or otherwise to dispose of it, shall not be in order.

21. Every bill shall receive three readings before it is passed; the President shall give notice at each reading whether it be the first, second, or third; the last of which readings of public bills shall be at least twenty-four hours after the first reading, unless the Senate unanimously direct otherwise. *Provided*, That private bills shall be read the second time by their title. Resolutions requiring the approbation and signature of the Governor, shall be treated in all respects as bills.

22. On the demand of a Senator, public bills, after a second reading, shall be considered by the Senate as in committee of the whole.

23. The final question, upon the second reading of every bill which originated in the Senate, shall be, "Shall this bill be engrossed and read the third time?" No amendment shall be received at the third reading, but it may be committed for amendment at any time before its final passage.

24. Motions on bills and resolutions shall be sustained in the following order: 1. To postpone indefinitely. 2. To lay upon the table. 3. To commit. 4. To amend.

25. A call for the previous question shall not at any time be in order. A motion to adjourn shall always be in order, and shall be decided without debate.

26. If the question in debate contain several points, the same shall be divided on the demand of a Senator. A motion to strike out and insert shall not be divided, but the rejection of a motion to strike out and insert one proposition shall not preclude a motion to strike out and insert a different one, or a motion simply to strike out; nor shall the rejection of a motion simply to strike out, prevent a subsequent one to strike out and insert.

27. In filling blanks the largest sum and the longest time shall be first in order.

28. When the reading of a paper is called for, and the same is objected to by a Senator, the question shall be determined by a vote of the Senate.

29. The yeas and nays shall be taken, on the call of a Senator, and every Senator present shall vote, unless excused by the Senate; but no Senator shall be compelled to vote, who was absent when the question was stated by the President, nor shall any one be permitted to vote, who was absent when his name was called, nor after the decision of the question has been announced from the chair.

30. No Senator in the minority, nor one who did not vote on the decision of a question, shall have a right to move a reconsideration thereof; nor shall any motion for reconsideration be in order, unless made before the close of the next day of actual sitting of the Senate after that in which the vote was taken, and before the bill, resolution, report, amendment, address, or motion, upon which the vote was taken, shall, in the regular progress of business, have gone out of the possession of the Senate.

31. On all questions, in the decision of which a simple majority is required, when the Senate is equally divided, the Secretary shall take the casting vote of the President. In all such cases, a motion for reconsideration, if made in time, shall be in order from any Senator who voted on the question.

32. The President shall have the right to call upon any Senator to discharge the duties of the chair, whenever he shall find it necessary, temporarily, to retire; but such substitution shall not extend beyond more than one adjournment.

33. The Senate, having taken a final vote on any question, the same shall not again be in order during the same session, in any form whatever, except by way of reconsideration; and when a motion for reconsideration has been decided, that decision shall not be re-considered.

34. No proposition to amend the rules of the Senate, or the joint rules of both houses, shall be acted on, until the same shall have been before the Senate at least twenty-four hours.

35. Messages shall be sent to the House of Representatives by the Secretary or Assistant Secretary.

36. Reporters may be placed on the floor of the Senate, under the direction of the Secretary, with the approbation of the President.

37. No persons shall be admitted within the lobby of the Senate chamber, except the Governor, Treasurer of the State, Auditor of Accounts, members of the other House, Judges of the Supreme Court, Senators and Representatives in Congress, Ex-Governors and Lieutenant Governors, Ex-Judges of the Supreme Court, Ex-Senators and Representatives in Congress, Ex-Senators of the State Senate, District Judge and Attorney of the United States, members of other State Legislatures, and such gentlemen and ladies as the President or a Senator may introduce.

38. When in session, the Senators shall sit with their heads uncovered.

39. Upon any disorderly conduct in the gallery, the President may order the same to be cleared.

40. Whenever a bill or resolution is laid on the table, by order of the Senate, and shall have remained on the table twenty-four hours, it shall be subject to be taken up by the chair, and presented for the consideration of the Senate, without a call or order on the subject.

41. There shall be one door-keeper and one assistant door-keeper of the Senate; and the President may employ a boy to attend in the Senate chamber.

Mr. Thompson, from the select Committee, appointed to wait on the Lieutenant Governor elect, reported that the duty had been performed, and that his Honor had signified his intention to appear in the Senate Chamber, and to take his seat in the Chair of the Senate to-morrow morning at 9 o'clock.

On motion of Mr. Camp,
The Senate adjourned.

AFTERNOON.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives have passed a bill (H. 5,) entitled “an act regulating the office of Clerk of the House of Representatives,” in which they request the concurrence of the Senate.

(H. 5.) The Senate took up the bill from the House of Representatives entitled “an act regulating the office of Clerk of the House of Representatives,” and it was read the first and second times, and on motion of Mr. Camp, referred to the Committee on the Judiciary.

Mr. Sargeant, from the special Committee appointed to wait on His Excellency the Governor, and inform him of his election, reported that the committee had discharged the duty assigned them.

The following communication was received from His Excellency the Governor :

MONTPELIER, 13th Oct., 1843.

To the Senate :

I have the honor to inform you that I propose to take the oaths of office, which the Constitution prescribes for the Governor of this state, at three o'clock this afternoon, in the Executive Chamber, and to make the annual Executive Communication to the General Assembly, at eleven o'clock to-morrow morning.

JOHN MATTOCKS.

On motion of Mr. Camp,

Ordered, That the Senate proceed to the election of the Standing Committees.

And the ballots having been taken and counted, the following gentlemen were respectively elected :

On Finance—Mr. Camp, Chairman, Mr. Cahoon and Mr. Munsill.

On Judiciary—Mr. Briggs, Chairman, Mr. Butler and Mr. Sargeant.

On Claims—Mr. Cutts, Chairman, Mr. Farr and Mr. Plumb.

On Education—Mr. Dutton, Chairman, Mr. Scott and Mr. Sabin.

On Agriculture—Mr. Elisha Allen, Chairman, Mr. Phillips and Mr. Read.

On Manufactures—Mr. Porter, Chairman, Mr. Sprague and Mr. Harris.

On Military Affairs—Mr. Alanson Allen, Chairman, Mr. Bass and Mr. Thompson.

On Roads and Canals—Mr. Field, Chairman, Mr. Griswold and Mr. Hubbard.

On Banks—Mr. Starr, Chairman, Mr. Cahoon and Mr. Stone.

On Land Taxes—Mr. Green, Chairman, Mr. Bingham and Mr. Morgan.

Mr. Camp introduced the following resolution :

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of making provision by law, to give to the Secretary of the Senate the appointment of his assistant, and to make him responsible for his acts.

Which was read and passed.

On motion of Mr. Cutts,
The Senate adjourned.

SATURDAY, OCT. 14.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The following communication from His Excellency the Governor, was received and read :

To the Senate :

I have the honor to inform the Senate that a vacancy has occurred in the first division of the militia of this State, by the discharge of Major General Martin Roberts; that a vacancy has occurred in the first brigade by the discharge of Brigadier General Norman Blackmer, and a vacancy has also occurred in the ninth brigade, by the discharge of Brigadier General Rolland Smith.

JOHN MATTOCKS.

EXECUTIVE CHAMBER, }
Oct. 14, 1843. }

Mr. Camp introduced the following resolution :

Resolved, by the Senate and House of Representatives, that a joint Committee of three members of the Senate, and three members of the House of Representatives, be appointed by their respective Houses to report Joint Rules.

Which was read and passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed a resolution providing for a Joint Assembly to elect a Brigadier General in the first brigade, first Division, of the militia of this State, to supply the vacancy occasioned by the resignation of Brigadier General Norman Blackmer, in which they request the concurrence of the Senate.

The House have, on their part, appointed a Committee from each Congressional District in the State, to count the votes for Representatives in Congress.

The Senate considered the following resolution from the House of Representatives :

Resolved, by the Senate and House of Representatives, that both Houses meet in Joint Assembly, at 10 o'clock this forenoon for the purpose of filling the vacancy in the first brigade, first division, of the militia of this state, occasioned by the resignation of Brigadier General Norman Blackmer.

And it was read, and,

On motion of Mr. Butler,
Ordered to lie on the table.

Mr. A. Allen introduced the following resolution :

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of repealing the act entitled an act relating to the punishment of capital crimes, approved November 12, 1842.

Which was read and passed.

Mr. Farr introduced the following resolution :

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of passing an act regulating assignments of property.

Which was read and passed.

Mr. Camp introduced the following resolution :

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of amending chapter 28 of the Revised Statutes, in its provisions for the sale of property attached on mesne process before judgment.

Which was read and passed.

On motion of Mr. Thompson, it was

Ordered, That a Committee of three Senators from each Congressional District, be appointed on the part of the Senate, to canvass the votes for Representatives in Congress from this State.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives have passed a resolution providing for a Joint Assembly to elect the Judges of the Supreme Court for the year ensuing, in which they request the concurrence of the Senate.

The resolution from the House of Representatives was taken up and read, as follows :

Resolved, by the Senate and House of Representatives, that both Houses meet in Joint Assembly on Tuesday next, at 10 o'clock A. M., for the purpose of electing Judges of the Supreme Court for the year ensuing.

And on motion of Mr. Butler, it was

Ordered to lie upon the table.

Mr. Read presented the following resolution :

Resolved, That the Committee on Education be instructed to enquire into the expediency of so modifying the existing laws in relation to Common Schools, as to procure a more equal distribution of the school money among the several school districts in this state, and to encourage the more general attendance of children at our common schools, by providing that no school district shall draw any money, except upon such children there-in as attend school at least two months in the year.

Which was read and passed.

Mr. Sargeant called up the resolution from the House of Representatives, providing for a Joint Assembly for the election of a Brigadier General in the first brigade, first division of the militia.

And it was read and passed in concurrence.

Mr. Thompson announced to the Senate that the Lieutenant Governor elect was in attendance, and prepared to take the oath of office prescribed

by the Constitution and laws of the State, and to enter upon the duties of his office.

Whereupon, His Honor, Horace Eaton, the Lieutenant Governor elect, appeared in the Senate Chamber, the oath of office was administered to him by the Secretary, and, having taken the Chair, he addressed the Senate as follows:

Gentlemen of the Senate:

In entering upon the discharge of my appropriate duties as your presiding officer, I am not insensible how arduous are the labors which I undertake, or how high the responsibilities which I assume. I am aware, in the first place, that the Chair of this Senate is no resting-place for easy indolence—that it affords no opportunity for the indulgence of roving thoughts or listless inattention. Its occupant, instead of enjoying the quietude of repose, must be constantly on the alert—constantly exercising the most vigilant attention, in order to guard against mistakes, and insure accuracy and despatch in the business of legislation.

But mere industry and mental activity, I am also aware, are not alone a sufficient guarantee for the successful and acceptable discharge of the duties of this station. Although parliamentary rules are founded upon fixed principles, having it for their leading object to ensure the systematic and successful transaction of business; and although as such, they commend themselves to every man's sense of fitness and propriety; yet the application of these rules, like the application of all other general principles, may, in a given case, be very difficult and doubtful. Lines which are in some instances clear and distinct, in others become shadowy and uncertain. And hence even he who has attained the highest standard of qualification—who is most familiar with precedents, whose perceptions are most prompt and clear, and whose powers of discrimination are most acute, will at times find himself in a position of no small difficulty—will, at times, find all these high qualifications put in requisition, and perhaps severely taxed, in the decision of questions which may present themselves in the progress of business.

But for myself, gentlemen, I dare not hope to be exempt from errors—errors, too, which it may require much candor and kindness on your part to overlook. Indeed, in view of the embarrassments and responsibilities, and I might add, the painful anxieties, that necessarily cluster around the station which I am called upon to occupy—connected as these must be, with the certainty of errors and deficiencies on my part,—I might well shrink from the task before me.

But there is another and more encouraging aspect, in which the subject presents itself. I recall to mind the fact that I have never seen or known, in this Senate Chamber, a deliberate attempt to embarrass the presiding officer. I remember that on the contrary there has uniformly been exhibited, from every quarter, a manly and generous purpose to aid him in the discharge of his, at best, delicate and difficult duties. Here, even in the free, full and earnest expression of personal and political differences of opinion—in the stern conflict of mind with mind, the love of order, like some guardian genius, has ever reigned predominant; maintaining its ascendancy over those strong passions and high excitements which are so often concentrated and exhibited in the halls of legislation.

And, gentlemen, the hope which I entertain that this history of the past will prove but the continual history of the future, cheers me somewhat in my undertaking. While I feel conscious that I must depend very much

on your co-operation for anything of success in the discharge of the duties devolving on me, I feel also an undoubting assurance that this co-operation will be generously accorded me.

On my part, gentlemen, I shall aim to treat every member of this body with courtesy, kindness and respect; and shall endeavor at least to guard myself against the faults of impatience or partiality. Towards these errors I could plead for pardon or indulgence with but little grace; and I hope, in these particulars, to give you no just occasion for dissatisfaction.

But I earnestly solicit your kind and generous forbearance towards those errors and failures which may result from inexperience or other deficiencies of qualification. Against errors and failures of this character, no security can be found in honesty of purpose. And, gentlemen, be it understood that I ask from you the kindness I have solicited, not as a mere matter of wonted ceremony—entertaining at the same time a self-confident assurance of my own infallibility—but I ask it because I expect that I shall often, perhaps too often, give you occasion for its exercise.

And now, gentlemen, let us address ourselves to the business of the session, with the manly and patriotic determination that harmony, courtesy and dignity shall characterize our proceedings, and that in all our deliberations the honor and welfare of our State shall be the high and guiding object of our ambition.

The President announced to the Senate his approval of the nomination by the Sergeant-at-Arms, of Zebina C. Camp as Door-Keeper, and Samuel L. Billings as Assistant Door-Keeper to the Senate, and they were severally sworn.

Mr. Plumb presented the petition of Reuben Spaulding and 174 others, citizens of Brattleboro', praying for the repeal of all existing laws in relation to the sale of alcoholic drinks, and for the passing of another law in that behalf;

Which was read and referred to a select Committee of three Senators.

(H. 5.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the bill from the House of Representatives entitled "an act regulating the office of Clerk of the House of Representatives," reported the same without amendment, with the recommendation that it be permitted to pass.

And it was read the third time and passed in concurrence.

The President announced, as the Committee on the part of the Senate, to prepare and report Joint Rules, Messrs. Camp, Cahoon, and Dutton.

The hour provided by the resolution of the two Houses for a Joint Assembly, having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the Joint Assembly,

The following message was received from the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed, by the Governor, to transmit to the Senate, the annual Executive Communication to the General Assembly.

The Message of the Governor was thereupon read by the Secretary, and is as follows:

GOVERNOR'S MESSAGE.

*Fellow Citizens of the Senate and
of the House of Representatives:*

FIRST of all, as it becomes the agents of a religious people, let us publicly acknowledge the Divine goodness in continuing unto us our liberties, as a state, and as a nation; for the good measure of health enjoyed by the people of this commonwealth, and for the abundant productions of the earth; and ask wisdom from above, that we may fitly perform the duties for which we are assembled.

The legislation of this state has generally been characterized by so much prudence and intelligence, that any advice or caution by me, of a general nature, would be quite superfluous.

The condition of the inhabitants of this state is, upon the whole, probably as good as that of any other people. We are an intelligent, moral and law-abiding people; we have institutions, securing the liberty and rights of the citizens; we have a fertile soil, a healthful and invigorating climate, and industrious habits, which enable us to surpass any other state in the Union, according to our population, in the value of our agricultural productions.

The subject of Education, in all its branches, is of such vital importance to a free people, so intimately connected with the individual welfare of the members of a state, and so indispensable to the very existence of the blessings flowing from free institutions and representative governments, that it is not surprising that it should annually have attracted the attention of both the Legislative and Executive departments.

Common school education is perhaps as generally diffused, among all classes of people in this state, as among any other community, in the United States or elsewhere; yet the system now in operation is far from realizing all the advantages which ought to be expected from it. It is doubtless susceptible of great improvements; and the efforts which have been made in several of our sister states, within a few years, to investigate and obviate numerous evils, and to introduce a greater degree of uniformity and more efficiency in common school instruction, have not been without their beneficial influence. Let us profit by the example of others.

Valuable suggestions on this subject are contained in successive reports, made by legislative committees, during the two past years. Our higher institutions of learning, connected intimately, as they are, with our common schools, and exerting an immense influence upon the intellectual condition of our citizens, ought also to receive the fostering care of the Legislature. No system would be perfect which should exclude these from consideration. Whether the creation of a Board of Education, with the powers and duties contemplated in the legislative report of last year, will not prepare the way for the introduction of great improvements, is submitted for your mature consideration.

The Militia, without which there would be no safety to our government or country, are too apt to receive an annual compliment and then be neglected. Whether the law for the improvement of their condition, which had been prepared with great care, and passed at the last session, will prove useful and satisfactory to that numerous and patriotic body of citizen soldiers, for whose regulation and benefit it was made, I am not able at present to determine; and perhaps there has not been sufficient time, since the passage of the act, to test its utility.

By an act passed at the last session, relating to Capital Punishment, it

is directed that if any person shall commit any crime, which by the law of this state is punishable with death, such person shall be sentenced to solitary confinement in the state's prison, until the punishment of death shall be inflicted; and also, if any person shall hereafter be convicted of any crime, punishable by death, such person shall in like manner be sentenced to solitary confinement, until the sentence of death shall be inflicted. By the act it is further provided, that no sentence of death shall be executed until after one year from the time of passing such sentence, nor until the whole record of the proceedings in such case shall be certified to the Governor; nor until a warrant shall be issued, by the Governor, under the seal of the state, with the record annexed thereto, directed to the Sheriff of the county where the state's prison is situated, commanding said Sheriff to cause execution to be done upon the person, upon whom sentence had been passed. It is understood that there has been one conviction and sentence under this law, which it will be my reluctant duty to pass upon, as the law appears to me to be objectionable.

I cannot believe for a moment that it was the intention of the Legislature, by this act, to prepare the way for the total abolishment of capital punishment, even in cases of murder; for such a measure, in my opinion, would be fraught with evils of a most direful kind:—but this law, which changes in some measure our long established mode of administering criminal justice, may give occasion for a belief in the public mind, that after conviction there will be less certainty of punishment.

Although this statute may be open to some other objections, that part of it which relates to the issuing of a death-warrant by the Governor, is perhaps the most so. It is not sufficiently explicit, to show distinctly, whether it is a mere discretionary power, that he may or may not exercise, after examining the record of conviction, or a duty to be performed as a ministerial officer. If it means the first, it is in effect a power to pardon or commute, which is not given him by the Constitution, and cannot be conferred by the legislature. If it means the last, why impose this ungracious duty upon the Chief Magistrate, who in most governments, and in this to a certain extent, is entrusted with the privilege of releasing from punishment, and not the stern duty of inflicting it. But if he is to order a convict to execution, the most solemn of all official acts, it should be done by express authority of law, and not left to inference or construction. It is submitted to your consideration whether this law should not be repealed, or at least revised.

The sad existence of Slavery in many of the states of this Union, should be the cause of deep humiliation to the moralist, the patriot, and the christian; but the continuance of this ineffable curse in the District of Columbia, and in the Territories, should excite our warmest indignation. There, thousands of human beings are in perpetual bondage; and a slave-market is openly held at the seat of the freest government upon earth. This is a spectacle fit only for tyrants to behold; and to make this state of things not only permanent, but as if also to fasten the awful responsibility of it upon the citizens of the free states, there have not been wanting representatives in the Federal Government, from those states, (happily none from our own,) who have refused, where Congress has clearly the right to act, to let the oppressed go free, and to abolish a traffic, which, by the spirit of the laws even of that government, is ranked with piracy itself. Nay, more: they have silenced remonstrances of sovereign states against these grievous wrongs, and excluded the petitions of the people.

A state may not infringe the compact as it exists on the subject of slavery, any more than other parts of the Constitution. We have all sworn to support that instrument; and to attempt to evade or repeal the oath, by casuistical sophistry as to its binding force, would be neither just nor wise. But whatever legislative powers the states do possess, should be exercised as occasions arise, so as not to give one scruple more of living flesh than the bond requires.

An unhappy decision of the Supreme Court of the United States, made in January, 1842, in the case of *Prigg vs. the State of Pennsylvania*, it is believed will occasion some danger to free colored people who may be found in this state. In that case it is understood to have been decided that the Federal Government have an exclusive right to regulate the mode in which the claim of a master over his fugitive slave shall be made; that Congress has already exercised that right, in a perfectly constitutional manner, through the law of 1793; that all legislation on the part of the several states, which directly or indirectly limits or restrains the right of recovery of fugitive slaves, is entirely null and void; that no state can pass a law in any way interfering with the power of summary removal from its territory of an individual claimed as a fugitive slave,—provided that this power be exercised under the sanction of the United States Courts; but it is not obligatory upon any state to suffer its own magistrates to exercise the same power.

The law of Congress of 1793 confers the same power upon state magistrates as that given to judges of the United States Courts, and upon that statute the Court says, that their magistrates may, if they choose, exercise the authority thus conferred, “unless prohibited by state legislation.” This decision is at present the law of the land, and the danger is, that among our great number of magistrates, some may be found who are not well informed as to their duty, and may act unadvisedly, and thus, upon a false claim, consign some unfortunate being forever to hopeless slavery,—for from the decision of the magistrate there is no appeal.

I therefore recommend to the legislature to pass a law prohibiting all magistrates, acting under the authority of this state, from taking cognizance of, or acting under, the act of Congress passed the 12th July, 1793, relating to fugitive slaves, or any other law that may be passed of similar import. This would seem from the aforesaid decision to be perfectly constitutional and proper, and indeed almost invited by the court, by the language before quoted. By such an act, the evil consequences of the decision may in some degree be mitigated.

I also recommend a law prohibiting all executive officers of the state from arresting, or detaining in jail, any person who is claimed as a fugitive slave; believing this to be a proper mode of exhibiting the determination of this state to do no act, which she may constitutionally omit to do, to countenance the institution of slavery. The commonwealth of Massachusetts has recently passed such a law, and the example is believed to be worthy of imitation. If the passing of the statute proposed shall incidentally tend to prevent the recapture of fugitive slaves, may we not well exclaim in its defence, in the language of the sage of Monticello—“shall distressed humanity find no asylum?”

There are strong reasons for anticipating that an attempt will very soon be made to annex the Republic of Texas to the United States, as well for the purpose of creating a perpetual market for slaves, as, from that large territory, to carve out slave states enough to give a preponderancy in the

Union to the slave power. If such an attempt shall succeed, then woe betides our unhappy country. Who then can hope that the wrath of Heaven can be longer restrained?

I have spoken perhaps too freely upon this exciting subject; but at the capitol of Vermont, unlike that at Washington, there is liberty of speech upon all public topics.

In our expenditures the utmost economy that is consistent with the maintaining and promotion of the public interests, should be constantly practised. The just medium between parsimony and extravagance, in public transactions, it is not always easy to discover, and it is to be found only by the good sense of those who make the laws; and this was one reason why our Constitution declares that the House of Representatives, which originates all appropriation bills, shall consist of men most noted for wisdom, as well as virtue. In this state, where the only permanent source of revenue is direct taxation, profuseness of the people's money should be carefully avoided.

It appears by the Report of the Auditor in the Treasury, that the State School Fund amounts to \$200,234 95, and that of this sum \$173,154 is due to the fund from the state, and the remaining \$26,080 95 is due from individuals on loans. In one view, the state is in debt in the first sum; and in another view, it is a creditor in the last sum. The Auditor of Accounts has given very cogent reasons why the debt of the state to the fund ought to be cancelled; and if those reasons appear to the General Assembly, as they do to me, convincing and unanswerable, the debt will, as the fund is under the control of the state, be cancelled.

That a Tariff of duties upon importations, sufficient to supply all the reasonable wants of the National Government, and shaped with a substantive and *bona fide* intention to give adequate protection to home industry, is absolutely necessary for the true independence and prosperity of the country, is believed to be a fundamental political truth, which ought on all suitable occasions to be proclaimed. It is a doctrine, too, which should be put forth in no ambiguous terms, but ought distinctly to embrace the idea of protection for the sake of protection, that thus there may be but two sides to the question, and no cover for hypocrisy on either.

The last Congress found that the sliding scale of the Compromise Act had descended so low that the revenue was not sufficient to support the Government; and that the low rate of duties had caused excessive importations of foreign goods, and consequently immense indebtedness and large remittances of specie abroad, while at home the results were, great injury to our manufacturers, as well as to those who furnish materials, labor and subsistence, and an almost universal depression of the business of the country. In this state of things, the majority of that Congress undertook to enact a new, and it was hoped, a better Tariff; and after the strong opposition of the great body of the minority, and with the reluctant votes of a small number of that minority, the present Tariff was passed. Although it is but about a year since its passage, its operation has already been most beneficial. Business is now uncommonly active in the commercial cities; the important manufactories are in lively operation; the demand for the great staple of our state is revived, and the price has somewhat increased; and it is believed that if the present Tariff can survive the attacks of its opponents in the next Congress, the business of the country will be in a permanent state of prosperity, and, consequently, our agricultural productions in good demand.

If, as has been alledged, it shall turn out that the protection afforded to every interest, except that which is peculiarly our own, is too high, while the protection to that is inadequate, it is surely consolatory to reflect, that the portion of the people, from whom this complaint arises, may control the majority in the next Congress; and I may add, reasonable to expect, that that majority will raise the duty on wool to the necessary point. The correctness of this expectation, however, time will determine.

It should be remembered that the present Tariff was not secured without a great sacrifice. The overweening opinions of the President, and the opposition of the minority in Congress, compelled the postponement, and perhaps the final loss, of the distribution of the proceeds of the sales of the public lands among the several states, to which they have a just right. This was done, lest the want of a sufficient revenue should oblige Congress to pass a Tariff highly protective; thus inflicting upon the states a double injury—the loss of their portion of the money accruing from the sales of the public lands, and the risk of having the present Tariff demolished or impaired. While we have yielded to the necessity of suspending the Land Distribution, in order to secure Protection, I conceive it to be our duty constantly to insist upon Distribution, as a measure which cannot be denied without trampling upon the sacred rights of the states.

I have thus used the common privilege of every citizen to speak upon some of the questions of national policy which now engage the attention of the public, meaning of course no disrespect to those who entertain different views. My opinions may be of small value, yet frankness requires that they should not be withheld.

I thank you most cordially for the honor you have conferred upon me, and I will assiduously co-operate with you in promoting such measures for the good of the people as your collective wisdom may devise, and aid you, so far as it is my province, in bringing the session to a close with all convenient despatch.

JOHN MATTOCKS.

EXECUTIVE CHAMBER,
Montpelier, 14th Oct., A. D. 1843. }

On motion of Mr. Briggs, it was

Ordered, That the Message from His Excellency the Governor, just read, be laid upon the table, and that the Secretary procure 300 printed copies thereof for the use of the Senate.

(S. 1.) Mr. Briggs introduced a bill entitled "an act relating to the Judiciary."

Which was read the first time, and, on his motion,
Ordered to lie upon the table.

Mr. Griswold introduced the following resolution:

Resolved, That the Committee on Military Affairs be instructed to enquire into the expediency of amending section 53 of the "act relating to the militia," approved Nov. 12, 1842, so that it shall read as follows:—"The non-commissioned officers and clerks of companies shall be elected by the officers and privates of the respective companies, from their own ranks."

Which was read and passed.

On motion of Mr. Briggs,
The Senate adjourned.

AFTERNOON.

The President announced his appointment of Mr. Thompson and Mr. Scott, as the Committee on Bills.

On the nomination of the President, the following Senators were appointed the Committee on the part of the Senate to canvass the votes for Representatives to Congress :

Mr. A. Allen, Mr. Morgan and Mr. Thompson, from the First District.
Mr. Porter, Mr. Farr and Mr. Cutts, from the Second District.
Mr. Read, Mr. Munsill and Mr. Hubbard, from the Third District, and
Mr. Camp, Mr. Cahoon and Mr. Butler, from the Fourth District.

The President announced the appointment of Mr. Plumb, Mr. Butler and Mr. Sabin, as the select Committee directed to be raised on the petition of Reuben Spaulding and others.

(S. 1.) The Senate took up the bill on the table, entitled "an act relating to the Judiciary."

And it was read the second time and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives concur with the Senate in passing the resolution providing for a Committee to report Joint Rules, and have, on their part, appointed Mr. Everett, Mr. Vilas, and Mr. Whittemore, to join the Committee of the Senate.

Mr. Butler introduced the following resolution :

Resolved, That so much of the Governor's message as relates to repealing and modifying "an act relating to the punishment of capital crimes," approved November 12, 1842, be referred to a select Committee of three.

And it was read and passed.

Mr. Sargeant, from the Committee on Elections, to whom had been referred the petition of Wallis Mott, and the memorial of William L. Sowles and others, relating to the seat of a Senator for the County of Grand Isle, reported that Wallis Mott was duly elected by the freemen of that County, on the first Tuesday of September last, to represent them in the Senate, and recommended the adoption of the following resolution :

Resolved, That Wallis Mott, of the County of Grand Isle, was, on the first Tuesday of September last, duly elected a Senator for the County of Grand Isle, and, as such, is entitled to a seat in this Senate.

The question being, Shall the resolution pass ?

On motion of Mr. Farr, it was

Ordered, That the same lie upon the table, and be made the special order for Monday morning next, at 10 o'clock.

On motion of Mr. Briggs,
The Senate adjourned.

MONDAY, OCT. 16, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Cutts introduced the following resolution:

Resolved, That the several subjects to which the attention of the Senate has been called by the Governor's Message, be referred in the following manner:—So much as relates to a Protective Tariff and the Distribution of the Proceeds of the Public Lands, to a select Committee of three Senators; so much as relates to the subject of Education, to the Committee on Education; so much as relates to the State School Fund, to the Committee on Finance; so much as relates to the Militia, to the Committee on Military Affairs; and so much as relates to Slavery, and the annexation of Texas to this Union, to a select Committee of three Senators.

Which was read and passed.

Mr. Sprague introduced the following resolution:

Resolved, That a select Committee on the Grand List be raised and instructed to enquire into the expediency of so amending the existing listing laws of this State, as to require the listers in the several towns where banks and other corporations are located, to set in the list all notes and other obligations due them, over and above their capital stock actually paid in, in the same manner as though owned by individuals.

Which was read and passed.

The following Communication was received from the Governor, by the hands of Mr. Hale, Secretary of Civil and Military Affairs:

EXECUTIVE CHAMBER, }
Oct. 16, 1843. }

To the Senate:

I have the honor to inform you that I have appointed Mr. Henry Hale of Burlington, to be Secretary of Civil and Military Affairs, for the ensuing political year.

JOHN MATTOCKS.

The President announced the appointment of Mr. Butler, Mr. Starr and Mr. Read, as the select Committee directed to be raised on that portion of the message of the Governor which relates to the subject of Capital Punishment.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution providing for a Joint Assembly to elect a Brigadier General of the ninth brigade of the militia of this State, and a resolution relative to pensions to widows of Revolutionary officers and soldiers, in passing each of which resolutions, they request the concurrence of the Senate.

A resolution from the House of Representatives was taken up and read as follows:

Resolved, by the Senate and House of Representatives, that both Houses meet in Joint Assembly on Tuesday next, at 10 o'clock A. M., for the purpose of electing a Brigadier General of the ninth brigade, in the mili-

tia of this State, to supply the vacancy occasioned by the resignation of Brigadier General R. Smith.

And it was passed in concurrence.

The following resolutions from the House of Representatives were taken up :

Resolved, by the Senate and House of Representatives, that our Senators in Congress be instructed, and our Representatives requested, to use their exertions to procure the passage of a law of Congress to continue in force for five years the act of Congress of 1838, granting pensions to widows of revolutionary officers and soldiers who were married prior to January 1794.

Resolved, That the Governor be requested to furnish each of our delegates in Congress with a copy of the foregoing resolution.

And the said resolutions were read, and,

On motion of Mr. Cahoon,

Ordered to lie upon the table.

(S. 2.) Mr. Briggs introduced a bill entitled "an act in relation to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children.'"

And it was read the first and second times and referred to the Committee on the Judiciary.

The Senate, on motion of Mr. Briggs, took up the special order of the day, being the resolution reported by the Committee on Elections, relative to the right of Wallis Mott to a seat in the Senate.

And the question being, Shall the resolution pass?

Pending this question,

On motion of Mr. Camp,

The Senate adjourned.

AFTERNOON.

The Senate resumed consideration of the unfinished business on the table, being the resolution reported by the Committee on Elections, relative to the right of Wallis Mott to a seat in the Senate.

Mr. Butler moved that the report and resolution be re-committed to the Committee on Elections, with instructions to make a special report of the facts.

And on this question, the yeas and nays, having been demanded by Mr. Butler, are as follows :

Those Senators who voted in the affirmative are,

Messrs. Bass, Bingham, Butler, Cahoon, Farr, Griswold, Phillips, Scott and Sprague—9.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Briggs, Camp, Cutts, Dutton, Field, Green, Harris, Hubbard, Morgan, Munsill, Porter, Plumb, Read, Sabin, Sargeant, Starr, Stone and Thompson—20.

So the motion was lost.

And the question recurring, Shall the resolution pass? the yeas and nays, having been demanded by Mr. Sprague, are as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, E. Allen, Briggs, Cahoon, Camp, Cutts, Dutton, Field, Green, Harris, Hubbard, Morgan, Munsill, Porter, Plumb, Read, Sabin, Sargeant, Starr, Stone and Thompson—21.

Those Senators who voted in the negative are,

Messrs. Bass, Bingham, Butler, Farr, Griswold, Phillips, Scott and Sprague—8.

So the resolution was passed.

Mr. Mott, whose right to a seat was thus established, thereupon appeared on the floor of the Senate, the oath of office was administered to him by the Secretary, and he took his seat.

Mr. Starr introduced the following resolution:

Resolved, That Henry H. Reynolds, Esquire, an applicant for a seat in this Senate, from the County of Grand Isle, against whose right to a seat a decision of the Senate has now been made, be entitled to his per diem pay, and his travel, as a member, to the present time.

And it was read and passed.

Mr. Sargeant, from the Committee on Elections, to whom had been referred the petition of H. H. Reynolds, praying to be admitted to a seat in the Senate, reported that the prayer of the petition ought not to be granted, and recommended that the petitioner have leave to withdraw the same.

The report was accepted, and the leave granted.

Mr. Thompson, from the Committee on Bills, reported that they had this day submitted to the Governor, for his consideration, the bill (H. 5), entitled, "an act regulating the office of Clerk of the House of Representatives."

On motion of Mr. E. Allen.

The Senate adjourned.

TUESDAY, OCT. 17, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

(S. 3.) Mr. Munsill introduced a bill entitled "An act in amendment of chapter 28 of the Revised Statutes, relating to the arrest of debtors."

And it was read the first and second times and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed the fol-

lowing resolutions, in each of which they request the concurrence of the Senate :

A resolution providing for a Joint Assembly to elect an Auditor of Accounts and an Auditor in the Treasury Department.

A resolution providing for a Joint Assembly to elect a Sergeant-at-Arms; and

A resolution providing for a Joint Assembly to elect a Major General of the first division of the militia of this State.

(H. 5.) The Governor has announced to the House of Representatives that he did, on the 16th instant, approve the bill entitled "an act regulating the office of Clerk of the House of Representatives.

The President announced the appointment of the following Committees on the resolution of Mr. Cutts, referring certain portions of the Governor's message :

On that portion which relates to Slavery and the annexation of Texas to the Union, Messrs. Sabin, Griswold and Munsill.

On that portion which relates to the Tariff and the Distribution of the Proceeds of the Public Lands, Messrs. Cutts, Morgan and Phillips.

The President further announced, as the select Committee on the Grand List directed to be raised by the resolution of Mr. Sprague, Messrs. Sprague, Porter and Stone.

Mr. Camp, from the Joint Committee of the two Houses on Joint Rules, made the following report :

To the Senate :

The Committee appointed to prepare Joint Rules for the Senate and House of Representatives, have attended to that duty, and report the Joint Rules of the last session, with the following amendments, to wit :

1. Add to the second rule the words, "but shall not be reported to the Senate or House of Representatives, nor published in either of their Journals, unless specially so ordered, by joint resolution of both Houses."

2. Insert the following immediately after rule 4:—"A joint Committee of three Senators and three Representatives, shall be appointed by the presiding officers of the two Houses respectively, to whom may be referred all documents transmitted by the Governor, for the use of the General Assembly, who shall report thereon to that House from which they were received."

D. M. CAMP, for Committee.

And the report was adopted, and the amendments proposed by the Committee passed.

Mr. Scott introduced the following resolution :

Resolved, That the Committee on Military Affairs be instructed to enquire into the expediency of providing by law, that the polls of field and staff officers be exempted from all taxes whatever excepting highway taxes.

And it was read and passed.

Mr. Cahoon called up the resolution from the House of Representatives on the table, relative to pensions for widows of revolutionary officers and soldiers, and proposed to amend the same by striking out all after the word "passage," and inserting in lieu thereof, the words "of an act extending the privileges of the laws granting pensions to the widows of revolutionary officers and soldiers to all such as now are, or may hereafter become widows of such officers and soldiers, whose marriage took place prior to

the year 1800, during the natural life of such widow; and that the Governor communicate a copy of this resolution to the President of the United States, and to each of our Senators and Representatives in Congress."

And the amendment proposed was adopted.

And the resolution, thus amended, was passed in concurrence.

Mr. Griswold introduced the following resolution:

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of passing a law authorizing town clerks to take the acknowledgement of deeds in their respective towns,

And it was read and passed.

The resolutions from the House of Representatives providing for three several Joint Assemblies on Thursday next, at 10 o'clock A. M., for the purpose of electing an Auditor of Accounts, and an Auditor in the Treasury Department; a Sergeant-at-Arms for the year ensuing, and a Major General of the first division in the militia of this State, were severally taken up, and read and passed in concurrence.

Mr. Briggs introduced the following resolution:

Resolved, That the Committee on Elections be instructed to enquire into the expediency of making further provision by law to prevent frauds in elections, and limiting the time of balloting to the first Tuesday of September.

And it was read and passed.

(S. 2.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the bill entitled "an act in addition to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children,'" reported the same, with the following proposals of amendment, to wit:

From section 3 strike out the words "or the crime of adultery," and add as follows: "Section 7. This act shall take effect from and after its passage."

The proposed amendments were severally adopted, and the bill, as amended,

Ordered to be engrossed and read the third time to-morrow morning.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have considered the report of the Joint Committee of the two Houses on Joint Rules, and have adopted the same, with an amendment, in which they request the concurrence of the Senate.

The Senate took up the amendment of the House of Representatives to the Joint Rules as reported by the Joint Committee, it being to strike out from Rule 2d the following words: "but shall not be reported to the Senate or House of Representatives, nor published in either of their Journals unless specially so ordered by joint resolution of both Houses."

The question being, Will the Senate concur in adopting the amendment proposed?

On motion of Mr. Starr, it was

Ordered to lie upon the table.

On motion of Mr. Munsill,

The Senate adjourned.

AFTERNOON.

Mr. Briggs called up the amendment proposed by the House of Representatives to the Joint Rules reported by the Joint Committee of the two Houses, and the question being, Will the Senate concur with the House in adopting the proposed amendment?

The yeas and nays, being demanded by Mr. Camp, were as follows :

Yeas—None.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Bass, Bingham, Briggs, Butler, Cahoon, Camp, Cutts, Farr, Green, Griswold, Harris, Hubbard, Mott, Munsill, Phillips, Porter, Read, Sabin, Sargeant, Scott, Sprague, Starr, Stone and Thompson—26.

So the Senate unanimously refused to concur.

(S. 1.) Mr. Briggs, from the Committee on the Judiciary, to whom was referred the bill entitled "an act relating to the Judiciary," reported the same without amendment, with the recommendation that it be permitted to pass ; and it was

Ordered to be engrossed and read the third time to-morrow afternoon.

On motion of Mr. Scott,
The Senate adjourned.

WEDNESDAY, OCT. 18, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Thompson presented the petition of Newell Sargeant, and of Lucius H. Cathan, praying for the passing of an act altering their names, respectively, and they were

Ordered to be referred to a select committee of three Senators.

Mr. Camp introduced the following resolution :

Resolved, by the Senate and House of Representatives, that the Secretary and Clerk who have heretofore been directed to procure a Legislative Directory, do now proceed, forthwith, to execute that order, omitting the Joint Rules from such Directory.

And it was read and passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives insist upon their pro-

posed amendment to the Joint Rules reported by the Committee of the two Houses.

They concur with the Senate in the amendment proposed to the resolution relative to pensions of widows of revolutionary officers and soldiers; and

They have passed a resolution relating to the fees and mileage of Members of Congress, in which they request the concurrence of the Senate.

(S. 2.) The engrossed bill entitled "an act in addition to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children,'" which had been ordered to be read the third time this morning, was taken up;

And it was read the third time.

Mr. Read moved to amend the same by striking out section 4, and that it be committed to a Senator for that purpose.

Pending this motion,

On motion of Mr. Cahoon, the bill was

Ordered to lie upon the table.

The Senate took up the amendment to the Joint Rules, in which the House of Representatives had resolved to insist.

Mr. Cahoon moved that the Senate do recede from their disagreement to said amendment.

Pending this question, the hour provided by a joint resolution of the two Houses, for a meeting of the Joint Assembly having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the meeting of the Joint Assembly, resumed consideration of the amendment proposed by the House of Representatives, to the Joint Rules reported by the Joint Committee of the two Houses.

The question being, Will the Senate recede from their disagreement to the amendment?

The yeas and nays, being demanded by Mr. Camp, are as follows:

Those Senators who voted in the affirmative are,

Messrs. Briggs and Cahoon—2.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Bass, Bingham, Butler, Camp, Farr, Field, Green, Griswold, Harris, Hubbard, Morgan, Mott, Munsill, Phillips, Porter, Plumb, Read, Sabin, Sargeant, Scott, Sprague, Starr, Stone and Thompson—26.

So the Senate resolved not to recede from their disagreement.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to communicate to the Senate certain resolutions of the Legislatures of Massachusetts and New Jersey, for the use of the General Assembly; and to inform the Senate that he has transmitted to the House, for the same purpose, certain resolutions of the Legislatures of Georgia, Alabama and Illinois.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution relative to the Joint Rules of the two Houses, in which they request the concurrence of the Senate.

The resolution from the House of Representatives, relative to Joint Rules, was read as follows :

Resolved, by the Senate and House of Representatives, that the Joint Rules of the Senate and House of Representatives of last session, be the rules of the Joint Assembly of the present session, until others are adopted.

And, on motion of Mr. Sargeant, it was
Ordered to lie upon the table.

On motion of Mr. Camp,
The Senate adjourned.

AFTERNOON.

The President announced the appointment of Edward B. Chamberlain as a Messenger in the Senate.

Also the appointment of Messrs. Thompson, Mott and Bingham, as the select Committee on the petition of Newell Sargeant and Lucius H. Cathan.

The following communication, received this morning from His Excellency the Governor, was read :

To the Senate :

I have the honor to inform you that Daniel Baldwin, of Montpelier, declines to accept the office of jail commissioner for the County of Washington, to which he has been elected by the Joint Assembly for the ensuing political year.

JOHN MATTOCKS.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives do not concur with the Senate in passing the resolution providing for the publication of a Legislative Directory.

The resolutions transmitted this morning, by His Excellency the Governor, from the Legislatures of the States of Massachusetts and New Jersey were read ; and those referring to an amendment of the Constitution of the United States, and those referring to the annexation of Texas to this Union, were

Ordered to lie upon the table.

Those resolutions relating to the Repudiation of State Debts, and those concerning French depredations on American commerce previous to the Convention of 1800, were referred to the Committee on the Judiciary.

The Senate further considered the amendment proposed by the House to the Joint Rules reported by the Committee of the two Houses, and

Resolved to insist on their disagreement to the same.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs :

MR. PRESIDENT:—I am directed by the Governor to transmit to the Senate the report of the Auditor in the Treasury, on the School Fund, and a message in writing.

The message from the Governor was read as follows :

To the Senate :

I have the honor to inform you that a vacancy has occurred in the office of Brigadier General of the second brigade, by the resignation and honorable discharge of Brigadier General Amos C. Kellogg.

JOHN MATTOCKS.

The report of the Auditor in the Treasury, on the School Fund, was read and referred to the Committee on Finance.

(S. 4.) Mr. Briggs, from the Committee on the Judiciary, to whom was referred the resolution relative to repealing the law relating to capital punishments, reported a bill entitled "an act to repeal an act entitled an act relating to capital punishments."

And it was read the first and second times, and referred to the select Committee directed to be raised on that portion of the Governor's message which refers to the subject of repealing or revising the act relating to capital punishments.

Mr. Butler, from the Committee on the Judiciary, to whom had been referred the resolution relative to authorizing the Secretary of the Senate to appoint his Assistant, reported that, in the opinion of the Committee, no action of the Senate is necessary in the premises.

Mr. Sargeant, from the Committee on the Judiciary, to whom had been referred the resolution relative to extending the authority of town clerks, reported that, in the opinion of the Committee, no legislative action is required.

(S. 2.) The Senate, on motion of Mr. Briggs, took up the engrossed bill entitled "an act in addition to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children,'" and, on his motion,

It was committed to Mr. Read, a Senator, to be amended by striking out the fourth section thereof; who reported the same, so amended, and it was

Ordered to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives have resolved to adhere to their amendment to the Joint Rules, reported by the Committee of the two Houses.

The Senate thereupon further considered the proposed amendment to the Joint Rules.

Mr. Briggs moved to lay the report and amendment upon the table.

Which motion was lost.

And the question being, Will the Senate adhere to their disagreement?

The yeas and nays, being demanded by Mr. Butler, are as follows :

Those Senators who voted in the affirmative are,

Messrs. A. Allen, E. Allen, Bass, Butler, Camp, Cutts, Farr, Field, Green, Griswold, Hubbard, Morgan, Munsill, Phillips, Porter, Read, Sebin, Sargeant, Scott, Sprague, Starr, Stone and Thompson—22.

Those Senators who voted in the negative are,

Messrs. Briggs and Mott—2.
So the Senate resolved to adhere.

On motion of Mr. Thompson,
The Senate adjourned.

THURSDAY, Oct. 19, 1843.

Prayer by the Reverend Mr. Merrill.

The journal of yesterday was read and approved.

The following communication was received from His Excellency the Governor, by the hands of Mr. Hale, the Secretary of Civil and Military Affairs:

To the Senate :

I have the honor to inform you that a vacancy has occurred in the office of Brigadier General of the sixth brigade, by the resignation and discharge of Brigadier General Shubael B. Flint.

JOHN MATTOCKS.

(S. 5.) Mr. Farr introduced a bill entitled "An act relating to assignments."

And it was read twice and referred to the Committee on the Judiciary.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed a resolution relating to Joint Rules ; and a resolution providing for a Joint Assembly to elect a Brigadier General of the second brigade in the militia of this State, in passing each of which resolutions they request the concurrence of the Senate.

The resolution from the House of Representatives, adopting the Joint Rules of the last session, with certain amendments, as the Rules of the Joint Assembly of the present session, was taken into consideration.

Mr. Camp moved to lay the resolution on the table, and it was so ordered.

Mr. Briggs called up the resolution from the House of Representatives relative to Joint Rules of the two Houses, which was read yesterday morning, and ordered to lie upon the table.

Mr. Camp moved to amend the same by adding to it as follows :

"With the following amendments, to wit: add to Rule 2 the following words: "but shall not be reported to the Senate or House of Representatives, nor printed with either their Journals, unless specially so ordered by a joint resolution of both Houses;" and insert the following:—"Rule 5. A joint Committee of three Senators and three Representatives shall be appointed by the presiding officers of the two Houses respectively, to whom may be referred all documents transmitted by the Governor for the use of

the General Assembly, who shall report thereon to that House from which the same were received."

And pending this question, at ten minutes before 11 o'clock,

A message was received from the House of Representatives, by Mr. Grandy, a member thereof, as follows:

MR. PRESIDENT:—I am directed by the House of Representatives to remind the honorable Senate that by a joint resolution of both Houses a Joint Assembly was ordered for 10 o'clock this morning; and also to inform them that the House are ready on their part to join in said Assembly.

The question before the Senate being, Will the Senate amend the resolution from the House? as proposed by Mr. Camp,

The yeas and nays, being demanded by Mr. Camp, are as follows:

Those Senators who voted in the affirmative are,
Messrs. Butler, Camp, Farr, Phillips and Scott—5.

Those Senators who voted in the negative are,
Messrs. A. Allen, Bass, Bingham, Briggs, Cahoon, Cutts, Field, Green, Griswold, Harris, Hubbard, Morgan, Mott, Munsill, Porter, Read, Sabin, Sargeant, Stone and Thompson—20.

So the Senate refused to amend as proposed.

Mr. A. Allen moved to amend by adding the words "until the 22d instant."

And the motion was lost.

The question recurring, Will the Senate concur in passing the resolution?

The yeas and nays, having been demanded by Mr. Briggs, are as follows:

Those Senators who voted in the affirmative are,
Messrs. Bass, Bingham, Briggs, Cahoon, Cutts, Field, Green, Griswold, Harris, Hubbard, Mott, Munsill, Porter, Read, Sabin, Sargeant, Starr, Stone and Thompson—19.

Those Senators who voted in the negative are,
Messrs. A. Allen, Butler, Camp, Farr, Morgan, Phillips and Scott—7.
So the Senate resolved to concur.

A resolution from the House of Representatives, providing for a Joint Assembly to elect a Brigadier General of the second brigade, was read, and,

On motion of Mr. Munsill,

Ordered to lie upon the table.

Mr. Farr introduced the following resolution:

Resolved, by the Senate and House of Representatives, that both Houses meet in Joint Assembly, at three o'clock this afternoon, to elect a Brigadier General in the 6th brigade in the 2d division of the militia of this State, to fill the vacancy occasioned by the resignation of Brigadier General Shubael B. Flint.

And it was read, and passing refused.

On motion of Mr. Thompson,
The Senate adjourned.

AFTERNOON.

(S. 4.) Mr. Read, from the select Committee appointed on that portion of the message of the Governor which relates to repealing or revising the act relating to capital punishment, to whom had been referred the bill entitled "an act to repeal an act relating to capital punishment," reported a bill (S. 6,) entitled "an act to repeal an act relating to the punishment of capital crimes."

And it was read the first and second times, and,

On motion of Mr. Butler,

Ordered to lie upon the table.

(S. 7.) Mr. Camp introduced a bill entitled "an act defining the qualifications and rights of freemen, and for other purposes."

And it was read the first and second times, and,

On motion of Mr. Camp,

Referred to the Committee on Elections.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution providing for a Joint Assembly to elect a Brigadier General of the sixth brigade of the militia of this State, in which they request the concurrence of the Senate.

(S. 1.) Mr. Briggs called up the engrossed bill entitled "an act relating to the Judiciary."

And it was, on motion of Mr. Cahoon, considered by the Senate as in Committee of the whole.

Having made progress in the consideration of said bill, the Committee rose, and asked leave to sit again.

Which leave was granted.

The resolution from the House of Representatives, providing for a Joint Assembly to elect a Brigadier General of the sixth brigade in the militia of the State, on Tuesday next, at 10 o'clock A. M., was read and passed in concurrence.

On motion of Mr. Briggs,
The Senate adjourned.

FRIDAY, OCT. 20, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. E. Allen presented the petition of the Trustees of the Troy Conference Academy, praying for an amendment of their act of incorporation.

And it was read and referred to the Committee on Education.

(S. 8.) Mr. Scott introduced a bill entitled "an act relating to the settlement of estates."

And it was read the first and second times and referred to the Committee on the Judiciary.

(S. 9.) Mr. Farr introduced a bill entitled "an act providing for a registry of voters."

And it was read the first and second times and referred to the Committee on Elections.

(S. 2.) Mr. Briggs called up the engrossed bill entitled "an act in addition to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children,'" and,

On his motion, it was recommitted to the Committee on the Judiciary.

Mr. A. Allen presented the following resolution:

Resolved, by the Senate and House of Representatives, that the State Treasurer be permitted to take from the State Library such books as may be necessary for his use in his office, and the Librarian is hereby directed to furnish him with such books as he may call for, if in said Library; provided that the Treasurer retain no book for more than sixty days at any one time, and that all such books shall be returned to said Librarian on or before the second Tuesday in October of each year.

And it was read and referred to the Committee on Education.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs;

MR. PRESIDENT:—I am directed by the Governor to inform the Senate that he has transmitted to the House of Representatives, for the use of the General Assembly, the report of the Superintendent of the Vermont State Prison, with accompanying documents.

Mr. Harris presented the following resolution:

Resolved, by the Senate and House of Representatives, that the two Houses meet in Joint Assembly on Tuesday next at 10 o'clock A. M., to elect a Superintendent, Chaplain, and three Directors of the State Prison.

And it was read, and

Ordered to lie upon the table.

Mr. Camp called up the resolution from the House of Representatives, relative to Joint Rules, and,

On motion of Mr. Butler, the said resolution was amended by striking therefrom the first amendment proposed by the House to the Joint Rules.

And thus amended, it was passed in concurrence.

The following communication from was received His Excellency the Governor, by the hands of Mr. Hale, the Secretary of Civil and Military Affairs:

EXECUTIVE CHAMBER, }
Oct. 20, 1843. }

To the Senate:

I have the honor to inform you that a vacancy has occurred in the office of Brigadier General of the 3d brigade by the promotion of Brigadier General Heman R. Smith to the office of Major General.

JOHN MATTOCKS.

A resolution from the House of Representatives, relative to a reduction of the pay and mileage of members of Congress, was read, and

On motion of Mr. Briggs,
Referred to the Committee on Finance.

(S. 6.) Mr. Butler called up the bill on the table entitled "an act to repeal an act relating to the punishment of capital crimes," and moved to amend the same by striking out all after the enacting clause, and inserting a substitute for the bill.

Before taking the question,
On motion of Mr. A. Allen, the bill and amendment were
Ordered to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed bills of the following titles:

(H. 8.) "An act to incorporate the Grafton Fire Company."

(H. 20.) "An act relating to exemptions from attachment."

(H. 55.) "An act altering the name of the town of Monroe to that of Woodbury."

In passing each of which bills they request the concurrence of the Senate.

The House have also adopted a resolution providing for a Joint Assembly to elect a Brigadier General in the third brigade of the militia of this State, in which they request the concurrence of the Senate.

The said resolution from the House of Representatives was thereupon adopted in concurrence.

(H. 8.) The House bill number 8 was then taken up, read the first and second times, and referred to the Committee on the Judiciary.

(H. 55.) The House bill number 55 was read the first and second times, and,

On motion of Mr. Camp,
Ordered to lie upon the table.

(H. 20.) The House bill number 20 was read the first and second times and referred to the Committee on Agriculture.

(S. 1.) The Senate, as in Committee of the whole, resumed consideration of the bill entitled "an act relating to the Judiciary."

And, after making progress therein, without reporting the same,

On motion of Mr. A. Allen,
The Senate adjourned.

AFTERNOON.

(S. 8.) Mr. Sargeant, from the Committee on the Judiciary, to whom had been referred the bill entitled "an act relating to the settlement of es-

tates," reported the same without amendment, with the opinion that it ought to pass.

And it was

Ordered to be engrossed and read the third time to-morrow afternoon.

(S. 10.) Mr. Griswold introduced a bill entitled "an act to pay William Maxham the sum therein mentioned."

And it was read the first and second times and referred to the Committee on Military Affairs.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to transmit to the Senate, for the consideration of the General Assembly, a communication from the Corresponding Secretary of the American Peace Society.

The said communication was read, and

Ordered to lie upon the table.

(S. 1.) The Senate, as in Committee of the whole, further considered the bill entitled "an act relating to the Judiciary," and after making progress therein, without reporting the same, the Committee rose.

The hour appointed by a resolution of the two Houses for a meeting of the Joint Assembly, having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned from the meeting of the Joint Assembly,

Mr. Read presented the following resolution:

Resolved, by the Senate and House of Representatives, that the Commissioner of the School Fund be, and he hereby is, directed to postpone the collection of two certain notes executed to the commissioner of said Fund—one dated Nov. 20, 1834, on annual interest, signed by George W. Benedict, Frederick Buell, Heman Allen, Charles Adams, William A. Griswold and William I. Seymour, for two thousand dollars—the other dated March 31, 1842, for \$559 and 42-100, signed by the same persons, except Frederick Buell—given for the uses and benefit of the University of Vermont—until otherwise directed by a future Legislature.

And it was read and referred to the Committee on Education.

(S. 6.) Mr. Starr called up the bill on the table, entitled "an act to repeal an act relating to the punishment of capital crimes," together with the amendment thereto proposed by Mr. Butler, stated on the journal of this morning.

Mr. Briggs moved to amend the said amendment by striking out the word "six" from the third section, and inserting the word "three," and

Pending this question,

On motion of Mr. Read, the bill and amendments were

Ordered to lie upon the table.

Mr. Briggs called up the resolution from the House of Representatives, providing for a Joint Assembly on Thursday next, at 10 o'clock A. M. to elect a Brigadier General in the 2d brigade.

And on his motion, it was amended by striking out the word "Thursday" and inserting the word "Friday."

And thus amended it was passed in concurrence.

On motion of Mr. Griswold,
The Senate adjourned.

SATURDAY, OCT. 21, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Sargeant called up the resolution from the House of Representatives, on the table, providing for a Joint Assembly to elect Judges of the Supreme Court, and a Secretary of State for the year ensuing.

And, on his motion, it was amended by striking out the words "on Tuesday next" and inserting the words "this morning"; and by striking out the words "Judges of the Supreme Court and."

And, thus amended, the resolution was passed in concurrence.

Mr. Dutton presented the following resolution:

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of altering chapter 28, section 19, of the Revised Statutes in such a way as to shorten the time for which real estate subject to successive attachments on *mesne process* shall be held to respond the several judgments rendered thereon after the first encumbrance shall have been removed.

And it was read and passed.

Mr. E. Allen presented the petition of R. M. Manly and 27 others, praying for an act of incorporation.

And it was read and referred to the Committee on Education.

(S. 11.) Mr. Camp introduced a bill entitled "an act relating to licences to retailers and inn-keepers."

Which was read twice and referred to the select Committee raised on the petition of Reuben Spaulding and 174 others, citizens of Brattleboro'.

(S. 12.) Mr. Dutton introduced a bill entitled "an act to prevent frauds in the sale of leather; in alteration of chapter 68 of the Revised Statutes."

Which was read twice and referred to the Committee on Manufactures.

(H. 8.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the House bill No. 8, reported the same, with the proposition to amend the same by striking out the third section.

And, on motion of Mr. Camp, the bill and amendment were

Ordered to lie upon the table.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to inform the Senate that he has transmitted to the House of Representatives for the use of the General Assembly, Governor Paine's report in relation to the Deaf and Dumb, the Insane Poor, and the Blind.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur with the Senate, and adopt the amendment proposed to the resolution providing for a Joint Assembly to elect Judges of the Supreme Court and a Secretary of State.

The House have passed bills of the following titles in which they request the concurrence of the Senate :

(H. 17.) "An act relating to the sale of property on execution," and

(H. 48.) "An act altering the name of Job Turner Congdon."

(H. 17.) The House bill No. 17 was read twice and referred to the Committee on the Judiciary.

(H. 48.) The House bill No. 48 was read twice and referred to the select Committee raised on the petition of Lucius H. Cathan.

(S. 13.) Mr. Briggs introduced a bill entitled "an act relating to associations; in addition to chapter 81 of the Revised Statutes."

Which was read twice, and, on his motion,

Ordered to lie upon the table.

The hour provided by a resolution of the two Houses for a Joint Assembly having arrived, the Senate repaired to the Hall of the House of Representatives; and, having returned,

(S. 6.) The Senate took up the bill on the table entitled "an act to repeal an act relating to the punishment of capital crimes," and the amendment proposed thereto.

And, on motion of Mr. Read, the same were

Ordered to lie upon the table and be made the special order for Tuesday morning next.

(S. 14.) Mr. Thompson introduced a bill entitled "an act in amendment of an act approved Nov. 12, 1842, relating to the advertisement of lands to be sold for taxes."

And it was read twice and referred to the Committee on Land Taxes.

On motion of Mr. Briggs, it was

Ordered that when the Senate adjourn it will adjourn to meet again on Monday morning next.

On motion of Mr. Sargeant,

The Senate adjourned.

MONDAY, OCT. 23, 1842.

Prayer by the Chaplain.

The journal of Saturday was read and approved.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives concur with the Senate in their proposed amendment to the resolution providing for a Joint Assembly to elect a Brigadier General of the 2d brigade in the militia of this State.

The House have passed a resolution providing for the appointment of a

Joint Committee to examine into and report the condition of the State Library.

And have also passed bills of the following titles:

(H. 27.) "An act extending the jurisdiction of Justices of the peace, in trustee actions."

(H. 30.) "An act relating to trustee process."

(H. 39.) "An act in relation to notaries public;" and

(H. 62.) "An act amending chapter 20 of the Revised Statutes; in relation to laying out and discontinuing highways."

In passing which resolution and bills, they request the concurrence of the Senate.

The said bills from the House of Representatives were taken up, severally read the first and second times and referred as follows:

(H. 27, 30, 39.) House bills Nos. 27, 30 and 39, to the Committee on the Judiciary; and

(H. 62.) House bill No. 62 to the Committee on Roads and Canals.

(S. 15.) Mr. Camp introduced a bill entitled "an act relating to building and repairing bridges; in addition to and in alteration of the 21st chapter of the Revised Statutes."

And it was read twice and referred to the Committee on Roads and Canals.

Mr. Thompson introduced the following resolution:

Resolved, by the Senate and House of Representatives, that the two Houses adjourn without day, on Thursday, the 2d day of November next, at 5 o'clock A. M.

And it was read.

Mr. Camp moved to amend the same by striking out the words "at 5 o'clock A. M."

And it was so ordered.

And the resolution, as amended, was,

On motion of Mr. Cahoon,

Ordered to lie upon the table.

The resolution from the House of Representatives, providing for the appointment of a joint Committee of the two Houses to examine into and report the condition of the State Library, was read and passed in concurrence.

And the President announced the appointment of Mr. Dutton, Mr. Farr and Mr. Morgan, as the Committee on the part of the Senate.

Mr. Briggs introduced the following resolution:

Resolved, That the Committee on Education be instructed to enquire in relation to the 14th volume of Vermont Reports, whether the cases determined by the Supreme Court for the year 1842, are published in said volume; or what proportion of the cases is reported, and by whom; what are the paper, binding, and execution of the volume; its value as compared with former volumes, and as compared with other publications; and whether the present method of reporting and publishing the Vermont Reports is defective, and, if so, what remedy can be had; and that they be instructed to report in detail upon the matters aforesaid, and any other matters relating to the character of the Vermont Reports.

Mr. Camp moved to amend the same by striking out the word "Education," and inserting the words "the Judiciary."

And it was so ordered.

And the resolution, thus amended, was passed.

Mr. Starr presented the following resolution:

Resolved, That the Judiciary Committee be instructed to enquire whether any further provisions of law are necessary to restrain the taking of excessive interest on loans of money.

And it was read and passed.

Mr. Camp, from the Committee on Finance, to whom had been referred the resolution from the House of Representatives relative to a reduction of the per diem pay, and the mileage of members of Congress, reported that it is inexpedient, in the opinion of the Committee, to pass the same.

The question then being, Will the Senate concur with the House and pass the resolution?

It was decided in the negative.

(S. 8.) The Senate took up the engrossed bill entitled "an act relating to the settlement of estates."

And it was read the third time, and,

On motion of Mr. Scott,

Ordered to lie upon the table.

(S. 13.) The bill entitled "an act relating to associations; in addition to chapter 81 of the Revised Statutes," was taken up, and

Ordered to be engrossed and read the third time.

(S. 2.) Mr. Briggs, from the Committee on the Judiciary, to whom had been recommitted the bill entitled "an act in addition to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children,'" reported the same, with the proposal to amend by striking out section 4, and inserting in lieu thereof as follows:

"Section 4. The proceeding against the person charged with being the father of such child, shall be in the name of the overseer of the poor of the town prosecuting such complaint."

And by adding after section 5 as follows:

"Section 6. If such woman, or other person, shall at any time give sufficient security for the support of such child, and pay the costs and the expenses for the support of such child, the proceedings in the case shall be discontinued, and the powers granted to the overseer shall cease."

And the amendments proposed were severally adopted.

And the bill, as amended, was

Ordered to be engrossed and read the third time.

(S. 16.) Mr. Briggs introduced a bill entitled "an act to incorporate the Champlain and Connecticut River Rail Road Company."

And it was read twice and referred to the Committee on Roads and Canals.

Mr. A. Allen presented the petition of J. Olmsted and 171 others, inhabitants of Benson, in the County of Rutland, praying for a law altering the place of holding the County Courts for the County of Rutland, from Rutland to Castleton.

And it was read and

Ordered to lie upon the table.

(S. 17.) Mr. E. Allen introduced a bill entitled "an act extending the jurisdiction of justices of the peace."

And it was read the first and second times and referred to the Committee on the Judiciary.

(S. 7.) Mr. Sargeant, from the Committee on Elections, to whom had been referred the bill entitled "an act defining the qualifications and rights of freemen, and for other purposes," and the bill (S. 9,) entitled "an act providing for a registry of voters," reported the same, with certain proposals of amendment to the former, (S. 7.)

And the bills and amendments were, on his motion,
Ordered to lie upon the table.

Mr. Porter presented the following resolution :

Resolved, That the Committee on Military Affairs be instructed to enquire into the expediency of repealing section 186 of "an act in relation to the militia," passed at the last session of the Legislature.

And it was read and passed.

(S. 18.) Mr. Farr introduced a bill entitled "an act repealing an act in relation to the militia, approved Oct. 29, 1842."

And it was read the first and second times, and referred to the Committee on Military Affairs.

On motion of Mr. Cahoon
The Senate adjourned.

AFTERNOON.

(S. 19.) Mr. Plumb from the select Committee raised on the petition of Reuben Spaulding and 174 others, inhabitants of Brattleboro', reported a bill entitled "an act in relation to inn-keepers and retailers; in addition to and in alteration of chapter 83 of the Revised Statutes."

And it was read the first and second times, and,

On motion of Mr. Field,
Ordered to lie upon the table.

Mr. A. Allen called up the petition of J. Olmsted and others, inhabitants of the town of Benson, and moved that it be referred to a select committee of three Senators.

Which motion was rejected, and

On motion of Mr. Briggs, the said petition was
Ordered to lie upon the table.

On motion of Mr. Camp,
The Senate adjourned.

TUESDAY, OCT. 24, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

(S. 7.) The Senate as in Committee of the whole, took up the bill entitled "an act defining the qualifications and rights of freemen, and other purposes," and the bill (S. 9,) entitled "an act providing a registry of voters," together with the amendments proposed by the Committee on Elections.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have appointed as the Committee on their part, to examine into and report the condition of the State Library, Mr. Grandy, Mr. Griggs and Mr. Crowley.

They have, also, passed bills of the following titles, in which they request the concurrence of the Senate :

(H. 2.) "An act in relation to the granting of licences to retailers of spirituous liquors."

(H. 11.) "An act relative to the incorporation of Fire Insurance Companies."

(H. 50.) "An act relative to the fees of Inspector General of beef and pork;" and

(H. 58.) "An act altering the name of William Gibson 6th."

The hour provided by a resolution of the two Houses for a meeting of the Joint Assembly, having arrived, the Senate repaired to the Hall of the House of Representatives.

The Senate having returned to the Senate Chamber, resumed consideration, as in Committee of the whole, of the bill entitled

(S. 7.) "An act defining the qualifications and rights of freemen, and other purposes," and the bill entitled

(S. 9.) "An act providing for a registry of voters," together with the proposed amendments thereto, and, having made progress therein,

On motion of Mr. Farr,
The Senate adjourned.

AFTERNOON.

(S. 20.) Mr. Dutton, from the Committee on Education, to whom had been referred that portion of the message of the Governor which relates to Education, reported a bill entitled "an act constituting a Board of Education."

And it was read the first and second times.

And, on motion of Mr. Dutton, the blank in the 2d section was filled by inserting the word "four" before the word "hundred."

And the bill was

Ordered to be engrossed and read the third time.

(H. 17.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the bill from the House of Representatives, entitled "an act relating to the sale of property on execution," reported the same, with the opinion of the Committee that it ought not to pass.

And, on motion of Mr. Butler, it was

Ordered to lie upon the table.

(H. 30.) Mr. Briggs, from the same Committee, to whom had been referred the House bill entitled "an act relating to trustee process," reported the same with a proposal to amend as follows:

After the word "shall" in the first line, section 1, insert the words "be summoned to," and strike out from the following line, the words "who has been summoned to."

Which amendments were adopted.

And the bill, as amended, was read the third time and passed in concurrence.

Mr. Dutton, from the Committee on Education, to whom had been referred the petition of the members of the Young Men's Lyceum of Troy Conference Academy, reported the same, with the opinion of the Committee that no legislative action is necessary, and recommended that the petitioners have leave to withdraw their petition.

Which leave was granted.

(S. 21.) Mr. Scott, from the same committee, to whom had been referred the petition of the Trustees of Troy Conference Academy, reported that the prayer thereof ought to be granted, and recommended the passage of a bill, accompanying their report, entitled "an act to amend an act incorporating Troy Conference Academy."

And the said bill was read twice, and

Ordered to be engrossed and read the third time.

(H. 27.) Mr. Butler, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act extending the jurisdiction of justices of the peace, in trustee actions," reported the same, with no expression of the judgment of the Committee thereon, and

On motion of Mr. Scott, it was

Ordered to lie upon the table.

(H. 62.) Mr. Field, from the Committee on Roads and Canals, to whom had been referred the House bill entitled "an act amending chapter 20 of the Revised Statutes, in relation to laying out and discontinuing highways," reported adversely to the passage of the same.

And the third reading thereof was refused.

Mr. Scott, from the Committee on Education, to whom had been referred the resolution authorizing the State Treasurer to draw books from the State Library, reported the same with the opinion of the Committee that it ought not to pass.

And the resolution was rejected.

(S. 5.) Mr. Briggs, from the Committee on the Judiciary, to whom had

been referred the bill entitled "an act relating to assignments," reported the same, with amendments.

And, on his motion,

The Senate considered said bill, and the amendments proposed, as in Committee of the whole, and reported the same to the Senate with certain amendments, which were adopted.

And on motion of Mr. Briggs, the bill, as amended, was

Ordered to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives have passed a resolution relative to the distribution of the Vermont Reports; and bills of the following titles:

(H. 18.) "An act incorporating the New York and Champlain Steam Boat Company."

(H. 49.) "An act to incorporate the Vermont Central Rail Road Company;" and

(H. 61.) "An act relative to the collection of arrearages of highway taxes."

In passing which resolution and bills, they request the concurrence of the Senate.

The House have considered the amendment proposed by the Senate to the resolution relative to the Joint Rules of the two Houses, and have resolved not to concur therein.

Mr. A. Allen called up the petition of 172 inhabitants of the town of Benson, and,

On his motion it was

Ordered to be referred to a select Committee of three Senators.

The following bills from the House of Representatives were severally taken up, read the first and second times, and referred as follows:

(H. 2.) House bill No. 2, to the select Committee raised on the petition of Reuben Spaulding and others, inhabitants of Brattleboro'.

(H. 18, H. 49.) House bills Nos. 18 and 49, to the Committee on Roads and Canals.

(H. 61.) House bill No. 61, to the Committee on Land Taxes.

(H. 11.) House bill No. 11, to the Committee on Manufactures.

(H. 50.) House bill No. 50, to the Committee on Agriculture; and

(H. 58.) House bill No. 58, to the select Committee raised on the petition of Lucius H. Cathan.

A resolution from the House of Representatives, providing for the distribution of the Vermont Reports to the several towns in this State, was read, and

Passed in concurrence.

On motion of Mr. Briggs,
The Senate adjourned.

WEDNESDAY, OCT. 25, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Read presented the following resolutions, which were read, and on his motion, referred to the select Committee raised on that portion of the Governor's message which relates to the subject of Slavery, and the annexation of Texas to this Union :

Resolved, That we protest against any attempt for the annexation of Texas to this Union, as unconstitutional and dangerous to the stability of the Union itself.

Resolved, That we can in no way assent to any purpose or measure, the object of which shall be to enlarge the slave-holding territory of the country, and thus to increase the political power of the slave-holding States.

Resolved, That we regard the abolition of slavery in the District of Columbia, as within the province and constitutional powers of Congress; and that we urge upon that body the propriety of its speedy abolition in that District.

Resolved, That we regard the right of petition as sacred; and hold that the doctrines of the 21st Rule, and the rejection of petitions under it, are known and wanton violations of the Constitution and laws of the country; and if adhered to by any portion of the Union, places that portion in the attitude of hostility to the Constitution itself, which forms the only and proper bond of Union among the several States.

Resolved, That we desire the speedy abolition of slavery throughout the whole land; and that we will use all just and lawful means within our power to accomplish that end.

Resolved, That the right of *Habeas Corpus*, and of *Trial by Jury*, are sacred and inviolable, and cannot lawfully be denied, even by State Legislatures, to any human being in the land, irrespective of color or condition; and that we regard all laws passed by our sister states, denying these rights, as *unconstitutional and void*.

Mr. Dutton, from the Committee on Education, to whom had been referred the resolution relative to a provision of law for a more equal distribution of the school money, reported the same, with the opinion that no legislative action thereon is expedient.

(H. 39.) Mr. Sargeant, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act in relation to notaries public," reported the same, with the opinion that it ought not to pass.

And the third reading of said bill was refused.

(S. 17.) Mr. Sargeant, from the same Committee, to whom had been referred the bill entitled "an act extending the jurisdiction of justices of the peace," reported the same, with the opinion that it ought not to pass.

And, on motion of Mr. E. Allen, it was

Ordered to lie upon the table.

Mr. E. Allen presented the following resolution :

Resolved, That the Secretary of State, the Secretary of the Senate, and the Clerk of the House of Representatives, be severally and respectively requested to furnish, for the use of the Senate, copies of the several con-

tracts they have made for printing and distributing the laws and journals of the present session of the General Assembly; also, the difference, if any, between the contracts of this year and those of the three last preceding years.

And it was read and passed.

(S. 22.) Mr. Thompson, from the select Committee raised on the petition of Lucius H. Cathan, reported a bill entitled "an act altering the names of persons therein mentioned."

And it was read twice, and,

On motion of Mr. Briggs,

Ordered to lie upon the table.

(S. 23.) Mr. Hubbard introduced a bill entitled "an act in addition to an act in relation to the militia."

And it was read the first and second times, and referred to the Committee on Military Affairs.

Mr. Farr presented the following resolution:

Resolved, That the Committee on Military Affairs be instructed to report a bill providing for the repeal of all acts in relation to the militia, passed at the session of 1842, and making such further provisions in relation to the militia as to them shall seem expedient.

And it was read.

Mr. Camp moved to amend the resolution by striking out the words "to report," and inserting the words "to enquire into the expediency of reporting."

And it was so ordered.

And, thus amended, the resolution was passed.

(S. 24.) Mr. Butler introduced a bill entitled "an act relating to the sale of property at public auction."

And it was read the first and second times and referred to the Committee on the Judiciary.

(S. 25.) Mr. Bass introduced a bill entitled "an act amending section 18, chapter 18, of the Revised Statutes."

And it was read the first and second times and referred to the Committee on Education.

(S. 26.) Mr. Griswold introduced a bill entitled "an act relating to guardians and wards."

And it was read the first and second times, and referred to the Committee on the Judiciary.

The President announced the appointment of Mr. Green, Mr. Mott and Mr. Harris, as the select Committee directed to be raised on the petition of 172 inhabitants of Benson.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a bill (H. 71,) entitled "an act regulating the imprisonment of trustees," in which they request the concurrence of the Senate.

(S. 6.) Mr. Read called up the bill entitled "an act to repeal an act relating to the punishment of capital crimes," which, together with the amendment thereto proposed by Mr. Butler, had been ordered to lie upon the table.

And without taking any question thereon,

On motion of Mr. Sprague,
The Senate adjourned.

AFTERNOON.

(H. 20.) Mr. Field, from the Committee on Agriculture, to whom had been referred the House bill entitled "an act relating to exemptions from attachment," reported the same, with the opinion of the Committee that it ought not to pass.

And, on motion of Mr. Cahoon, it was

Ordered to lie upon the table.

(S. 24.) Mr. Butler, from the Committee on the Judiciary, to whom had been referred the bill entitled "an act relating to the sale of property at public auction," reported the same without amendment, with the opinion that it ought to pass.

And it was, on motion of Mr. Briggs,

Ordered that the title of the bill be so amended as to read as follows:—
"An act relating to sheriff's sales of personal property."

Mr. Dutton moved further to amend the same, by striking out from the 2d section the words "may have been sold, or."

And it was so ordered.

The question being, Shall the bill be engrossed and read the third time?

The yeas and nays, having been demanded by Mr. Farr, are as follows:

Those Senators who voted in the affirmative are,
Messrs. A. Allen, Briggs, Butler, Camp, Cutts, Dutton, Field, Harris,
Mott, Munsill, Plumb, Sargeant, Scott, Sprague, Starr and Stone—16.

Those Senators who voted in the negative are,
Messrs. E. Allen, Bingham, Cahoon, Farr, Green, Griswold, Morgan,
Phillips, Porter, Read, Sabin, and Thompson—12.

So the bill was

Ordered to be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have considered the amendments proposed by the Senate to the bill (H. 30.) entitled "an act relating to trustee process," and have resolved to concur therein.

The House have passed a resolution relative to the Journals of the Constitutional Convention, and a resolution providing for the adjournment of the General Assembly without day; and have, also, passed bills of the following titles:

(H. 82.) "An act for the relief of the town of Glastenbury."

(H. 21.) "An act to incorporate the Lincoln Iron Company."

(H. 77.) "An act in addition to, and in explanation of, 'an act relating to banks, approved October 28, 1840;'" and

(H. 57.) "An act abolishing imprisonment for military fines in certain cases."

In passing which resolutions and bills, they request the concurrence of the Senate.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to transmit to the Senate, for the use of the General Assembly, the report of the Adjutant General, for the year 1843, with the accompanying documents.

Mr. Briggs presented the following resolution:

Resolved, That, in addition to the usual sessions, the Senate hereafter meet at 7 o'clock P. M.

Which was read and passed.

On motion of Mr. Griswold,
The Senate adjourned.

EVENING.

The following bills from the House of Representatives were severally read the first and second times, and respectively referred as follows:

(H. 71.) House bill No. 71, to the Committee on the Judiciary.

(H. 77.) House bill No. 77, to the Committee on Banks.

(H. 21.) House bill No. 21, to the Committee on Manufactures.

(H. 82.) House bill No. 82, to the Committee on Finance; and

(H. 57.) House bill No. 57, to the Committee on Military Affairs.

The resolution from the House of Representatives, directing the Secretary of State to deposit fifty copies of the Journal of the last Constitutional Convention in the State Library,

Was read and passed in concurrence.

The resolution from the House of Representatives, appointing Tuesday, the 31st instant, as the day of adjournment of the General Assembly,

Was read, and,

On motion of Mr. Briggs,

Ordered to lie upon the table.

The following communication from His Excellency the Governor, was read:

EXECUTIVE CHAMBER, }
Oct. 25, 1843. }

To the Senate:

I have the honor to inform you that James K. Platt, of Burlington, declines to accept the office of jail commissioner for Chittenden County, to which he was recently elected in Joint Assembly, for the ensuing political year.

JOHN MATTOCKS.

Mr. Briggs called up the resolution on the table, providing for a Joint Assembly to elect a Superintendent, Chaplain, and three directors of the State Prison, for the year ensuing.

And, on his motion, it was amended by striking out the word "Tuesday," and inserting the word "Friday."

And, thus amended, it was passed.

(S. 2.) The Senate took up the engrossed bill entitled "an act in addition to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children.'"

And it was read the third time and passed.

(S. 21.) The Senate took up the engrossed bill entitled "an act to amend an act incorporating Troy Conference Academy."

On motion of Mr. Briggs, it was

Ordered that the bill be committed to a Senator for a specific amendment of the title thereof.

The President appointed Mr. Briggs to perform this service, who reported the amendment made, as ordered.

And the said bill was read the third time and passed.

(S. 20.) The Senate took up the engrossed bill entitled "an act constituting a Board of Education."

And it was read the third time, and,

On motion of Mr. Briggs,

Ordered to be committed to a Senator for the following amendment:

In the first section, strike out the word "four" before the words "other persons," and insert the word "two" in lieu thereof.

The President appointed Mr. Dutton to perform this service, who reported the bill amended as ordered.

And the question being, Shall the bill pass?

The yeas and nays, being demanded by Mr. Butler, were as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, Briggs, Camp, Cutts, Dutton, Field, Harris, Morgan, Munsill, Porter, Plumb, Read, Sabin and Sargeant—14.

Those Senators who voted in the negative are,

Messrs. E. Allen, Bass, Bingham, Butler, Green, Griswold, Mott and Thompson—8.

So the bill passed.

(S. 8.) The Senate took up the engrossed bill entitled "an act relating to the settlement of estates."

And, on motion of Mr. Munsill,

Ordered to be committed to a Senator for the following amendment:

Strike out all after the word "discretion" and insert the following: "on the return of the inventory, if the same shall not exceed one hundred and fifty dollars, and the estate be intestate, by a decree for that purpose, assign the whole of such estate to the children of the deceased, for their own use."

The President appointed Mr. Munsill to perform this service, who reported the bill amended as ordered.

And it was thereupon passed.

(H. 77.) Mr. Starr, from the Committee on Banks, to whom had been referred the House bill entitled "an act in addition to, and in explana-

tion of, "an act relating to banks," approved Oct. 28, 1840," reported the same without amendment, with the opinion that it ought to pass.

And, on motion of Mr. E. Allen, it was

Ordered to lie upon the table.

The Report of the Adjutant and Inspector General, transmitted this afternoon, by His Excellency the Governor, was read and referred, with the accompanying documents, to the Committee on Military Affairs.

The Senate took up the resolution from the House of Representatives relative to the Joint Rules of the two Houses, which had been returned from the House of Representatives with their non-concurrence in the amendment proposed by the Senate.

And it was

Resolved to insist upon the said amendment.

And, on motion of Mr. Camp,

The Secretary was directed to request of the House of Representatives a free conference on the disagreeing votes of the two Houses.

(S. 6.) Mr. Briggs called up the bill on the table, entitled "an act to repeal an act relating to the punishment of capital crimes," together with the amendment thereto proposed by Mr. Butler.

And, without taking any question thereon,

On motion of Mr. Briggs,

The Senate adjourned.

THURSDAY, Oct. 26, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

The President announced, as the Committee to manage, on the part of the Senate, at the free conference requested on the disagreeing votes of the two Houses, on the amendment proposed by the Senate to the resolution relative to the Joint Rules of the two Houses, Mr. Briggs, Mr. Dutton, Mr. Farr.

Mr. Munsill presented the petition of Sylvester Phelps and Jedediah P. Ladd, praying compensation for thirteen kegs of tobacco.

And it was read, and

Mr. Munsill moved that it be referred to the Committee on the Judiciary.

Which motion was lost; and the same was, thereupon, referred to the Committee on Claims.

A message from the House of Representatives, by Mr. Merrill, their Clerk;

MR. PRESIDENT:—I am directed to communicate to the Senate Governor Paine's report in relation to the Deaf and Dumb, the Insane Poor,

and the Blind, for the year 1843, which has been transmitted to the House of Representatives for the use of the General Assembly.

Mr. E. Allen presented the following resolution :

Resolved, That the Auditor of Accounts be requested to furnish, for the use of the Senate, statements of the number of copies of the Laws, of the Journals of the Senate, and the Journals of the House of Representatives, charged to the State by the contractor for printing and distributing the same, the number of copies of each, and the amount allowed therefor respectively, for each of the years 1840, 1841, and 1842; also the sums, if any, which may have been deducted by him, from the amount of the contracts, or any of them, for delay in the completion, or delivery, of the work beyond the time specified in said contracts.

And it was read and passed.

Mr. Thompson presented the petition of W. R. Ranney and others, praying for an act incorporating a Rail Road Company.

And it was read and referred to the Committee on Roads and Canals.

(H. 2.) Mr. Plumb, from the select Committee raised on the petition of Reuben Spaulding and others, to whom had been referred the House bill entitled "an act in relation to the granting of licences to retailers of spirituous liquors," reported the same, without amendment, with the opinion that it ought to pass.

And, on motion of Mr. Briggs, it was

Ordered to lie upon the table.

(S. 25.) Mr. Dutton, from the Committee on Education, to whom had been referred the bill entitled "an act amending section 18, chapter 18, of the Revised Statutes," reported the same, without amendment, with the opinion that it ought to pass.

And it was

Ordered to lie upon the table.

Mr. Griswold introduced the following resolution :

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of so amending the 10th section of an act relating to the grand list, approved Nov. 11, 1841, that it shall read as follows:—Personal estate of deceased persons which shall be in the hands of their executors or administrators, and not distributed, shall be assessed to the executors or administrators in the school district where the deceased person last dwelt, until they shall give notice to the assessors that the estate has been distributed and paid to the parties interested therein.

And it was read and passed.

(H. 48.) Mr. Thompson, from the select Committee raised on the petition of Lucius H. Cathan, to whom had been referred the House bill entitled "an act altering the name of Job Turner Congdon," reported the same without amendment, and recommended its passage.

And, on motion of Mr. Camp, it was

Ordered, That said bill, together with the bill on the table (S. 22,) entitled "an act altering the names of persons therein mentioned," be recommitted with instructions to amend the House bill by incorporating therein the provisions of the Senate bill.

(H. 71.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act regulating the imprisonment of trustees," reported the same, with the proposal to amend the ti-

the thereof by striking out the words "the imprisonment of trustees," and inserting in lieu thereof, the words "proceedings against trustees."

And the said amendment was ordered.

And the bill as amended was read the third time and passed in concurrence.

(H. 11.) Mr. Porter, from the Committee on Manufactures to whom had been referred the House bill entitled "an act relative to the incorporation of Fire Insurance Companies," reported the same without amendment, and recommended its passage.

And, on motion of Mr. Briggs, it was

Ordered to lie upon the table.

(H. 18.) Mr. Griswold, from the Committee on Roads and Canals, to whom had been referred the House bill entitled "an act incorporating the New York and Champlain Steam Boat Company," reported the same, without amendment, with the opinion of the Committee that it ought to pass.

And it was read the third time and passed in concurrence.

(S. 16.) Mr. Field, from the same Committee, to whom had been referred the bill entitled "an act to incorporate the Champlain and Connecticut River Rail Road Company," reported the same, with proposals of amendment.

And, on motion of Mr. Briggs, the Senate considered the bill as in Committee of the whole, and reported the same with the following proposals of amendment:

In section 4, strike out the word "fifteen," and insert, in lieu thereof, the word "five."

In section 10, in the proviso thereto, strike out the word "twelve," and insert, in lieu thereof, the word "ten;" and add as follows to the bill:

Section 20. Nothing in this act shall authorize said company to construct a rail road in the valley of Connecticut River, so as to interfere with the construction of any other rail road that is now, or may hereafter be authorized to be made in said valley, nor to prevent the crossing of any other rail road chartered by this State.

And the said amendments were adopted.

Mr. Farr moved to amend the bill by adding as follows:

Section —. The Legislature may at any time hereafter alter or amend this act as the public good may require.

And on the question, Will the Senate so amend?

The yeas and nays, being demanded by Mr. Butler, are as follows:

Those Senators who voted in the affirmative are,

Messrs. Bingham, Butler, Cahoon, Farr, Griswold, Phillips, Scott and Sprague—8.

Those Senators who voted in the negative are,

Messrs. E. Allen, Briggs, Camp, Cutts, Dutton, Field, Green, Harris, Hubbard, Morgan, Mott, Porter, Plumb, Read, Sabin, Sargeant, Starr, Stone and Thompson—19.

So the amendment was rejected.

And the bill, as amended, was

Ordered to be engrossed and read the third time.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to transmit to the Senate, for the use of the General Assembly, the report of Henry Ste-

vens, Commissioner to investigate the claims of this State against the Government of the United States, for Revolutionary services.

(S. 15.) Mr. Field, from the Committee on Roads and Canals, to whom had been referred the bill entitled "an act relating to building and repairing bridges, in addition to, and in alteration of, the 21st chapter of the Revised Statutes," reported the same, with the opinion that it ought not to pass.

And it was

Ordered to lie upon the table.

(H. 20.) Mr. Cahoon called up the House bill entitled "an act relating to exemptions from attachment," and

On his motion, it was amended by striking out all after the word "the" in the third line of the bill, and inserting as follows: "13th section of the 43d chapter of the Revised Statutes, as a sixth clause—Three swarms of bees and hives together with their produce in honey."

And, on motion of Mr. E. Allen, the bill, as amended, was

Ordered to lie upon the table.

(H. 49.) Mr. Hubbard, from the Committee on Roads and Canals, to whom had been referred the House bill entitled "an act to incorporate the Vermont Central Rail Road Company," reported the same, with the proposal to amend by striking out the proviso to section 20, as follows:

"Provided, that this act shall be under the control of future Legislatures to alter or amend as the public good shall require."

Pending the question on the adoption of the amendment proposed by the Committee,

Mr. Cahoon moved that the Senate adjourn.

Which motion was lost.

The question recurring, Will the Senate so amend?

The yeas and nays, being demanded by Mr. Farr, were as follows:

Those Senators who voted in the affirmative are,

Messrs. E. Allen, Briggs, Camp, Cutts, Dutton, Field, Green, Harris, Hubbard, Morgan, Mott, Munsill, Porter, Plumb, Read, Sabin, Starr, Stone and Thompson—19.

Those Senators who voted in the negative are,

Messrs. Bingham, Butler, Cahoon, Farr, Griswold, Phillips and Scott—7.

So the amendment was adopted.

The question being, Shall the bill be read the third time?

On motion of Mr. Plumb,

The Senate adjourned.

AFTERNOON.

(H. 50.) Mr. E. Allen, from the Committee on Agriculture, to whom had been referred the House bill entitled "an act relative to the fees of

Inspector General of beef and pork," reported the same without amendment.

And it was read the third time and passed in concurrence.

Mr. Briggs presented the petition of the Forestdale Volunteer Corps, and others, praying for a remuneration to members of uniform companies in the militia of this State.

And it was read and referred to the Committee on Military Affairs.

(H. 57.) Mr. A. Allen, from the Committee on Military Affairs, to whom had been referred the House bill entitled "an act abolishing imprisonment for military fines in certain cases," reported the same without amendment, and it was

Read the third time and passed in concurrence.

(S. 18.) Mr. A. Allen, from the same Committee, to whom had been referred the bill entitled "an act repealing an act in relation to the militia, approved Oct. 29, 1842," reported the same, with the opinion that it ought not to pass.

And, on motion of Mr. Camp,

The said bill was indefinitely postponed.

Mr. Cutts, from the Committee on Claims, to whom had been referred the petition of Sylvester Phelps and Jedediah P. Ladd, asked to be discharged from the further consideration of the same, inasmuch as the claim therein presented should be exhibited to the Auditor of Accounts.

The Committee were thereupon discharged.

(H. 49.) The Senate proceeded to consider the House bill entitled "an act to incorporate the Vermont Central Rail Road Company," which was the unfinished business of this morning.

And it was read the third time.

And on the question, Shall the bill pass?

The yeas and nays, being demanded by Mr. Plumb, were as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, E. Allen, Bass, Briggs, Camp, Cutts, Dutton, Field, Griswold, Harris, Mott, Munsill, Porter, Plumb, Read, Sargeant, Starr, Stone and Thompson—19.

Those Senators who voted in the negative are,

Messrs. Butler, Cahoon, Farr, Phillips and Scott—5.

So the bill was passed.

(S. 24.) The Senate took up the engrossed bill entitled "an act relating to sheriff's sales of property."

And it was read the third time, and,

On motion of Mr. Cahoon,

Ordered to lie upon the table.

The report of Henry, Stevens, (see Appendix,) transmitted by His Excellency the Governor, this morning, was taken up, read, and

On motion of Mr. Camp,

Referred to a select Committee of three Senators.

(H. 27.) The Senate took up the House bill entitled "an act extending the jurisdiction of justices of the peace in trustee actions."

And the third reading thereof was refused.

(H. 77.) The Senate took up the House bill entitled "an act in addition to, and in explanation of, "an act relating to banks," approved Oct 28, 1840."

Mr. Allen moved to amend the same by striking out from the third line of section 2, the word "fifty," and inserting, in lieu thereof, [the words "one hundred."

And it was so ordered.

And the bill, as amended, was passed in concurrence.

(S. 17.) The Senate took up the bill on the table entitled "an act extending the jurisdiction of justices of the peace."

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the negative.

The report of Governor Paine, in relation to the Deaf and Dumb, the Insane Poor, and the Blind, for the year 1843, (see Appendix,) was taken up, and,

On motion of Mr. Cahoon,

Referred to the Committee on Education.

(S. 26.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the bill entitled "an act relating to guardians and wards," reported the same without amendment.

And the question being, Shall the bill be engrossed and read the third time?

It was decided in the negative.

(H. 55.) The House bill entitled "an act altering the name of the town of Monroe to that of Woodbury," was taken up and

Referred to the Committee on Roads and Canals.

The reports of the Secretary of State, and the Clerk of the House of Representatives, made in conformity with a resolution of the Senate calling on them for information relative to the printing and distributing the Laws and the Journals of the House, were received, severally read and are as follows: (See Appendix.)

And the said reports were severally referred to the Committee on Finance.

(S. 13.) The Senate took up the engrossed bill entitled "an act relating to associations; in addition to chapter 81 of the Revised Statutes."

And it was read the third time and passed.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution relative to the reception of Col. Richard M. Johnson, in which they request the concurrence of the Senate.

The resolution from the House of Representatives, providing for a reception of Col. Richard M. Johnson, by His Excellency the Governor, in the Hall of the House, in presence of the General Assembly, to-morrow at 12 M.,

Was read and passed in concurrence.

Mr. Scott, from the Committee on Bills, made the following report:

The Committee on Bills report that they have this day presented to the Governor for his signature bills of the following titles:

(H. 30.) "An act relating to trustee process."

(H. 50.) "An act relating to the fees of Inspector General of beef and pork."

(H. 18.) "An act incorporating New York and Champlain Steam Boat Company."

(H. 57.) "An act abolishing imprisonment for military fines."

On motion of Mr. Camp, it was

Ordered, That when the Senate adjourn it will adjourn to meet to-morrow morning.

(S. 14.) Mr. Green, from the Committee on Land Taxes, to whom had been referred the bill entitled "an act in amendment of an act, approved Nov. 12, 1842, relating to the advertisement of lands to be sold for taxes," reported the same with a proposal to amend as follows :

Add to the bill the following section :

"Section 2. So much of the act to which this is an amendment as is inconsistent with the provisions of this act, is repealed.

And the amendment was adopted, and the bill

Ordered to be engrossed and read the third time.

(H. 61.) Mr. Green, from the same Committee, to whom had been referred the House bill entitled "an act relative to the collection of arrearages of highway taxes," reported the same, without amendment, and,

On motion of Mr. Field, it was

Ordered to lie upon the table.

On motion of Mr. Hubbard,

The Senate adjourned.

FRIDAY, OCT. 27, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Munsill moved that the petition of Sylvester Phelps and Jedediah P. Ladd, from the consideration of which the Committee on Claims were yesterday discharged, be again referred to that Committee.

And it was so ordered.

Mr. Camp moved that the Committee on Finance be discharged from the consideration of the Reports of the Secretary of State, and the Clerk of the House of Representatives, and that the same be referred to a select Committee.

And it was so ordered.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate :

(H. 51.) "An act to incorporate the Brattleboro' and Fitchburgh Rail Road Company."

(H. 69.) "An act to revive an act entitled "an act to incorporate the

Connecticut and Passumpsic Rivers Rail Road Company," passed Nov. 10, 1835."

(H. 83.) "An act altering the name of Alonzo Perseth."

(H. 84.) "An act in addition to an act entitled "an act for the relief of Salma Davis and others," approved Nov. 11, 1842;" and

(H. 90.) "An act to pay Edward G. Babcock the sum therein mentioned."

Mr. Briggs moved that the Committee on Education be discharged from the consideration of the report of Governor Paine in relation to the Deaf and Dumb, the Insane Poor, and the Blind, for the year 1843, and that it be referred to a select Committee.

And it was so ordered.

Mr. Porter, from the select Committee on the Grand List, to whom had been referred the resolution presented by Mr. Sprague, relative to the taxing of notes and obligations due to banks, reported the same, with the opinion that no legislative action is expedient thereon.

(S. 23.) Mr. Porter, from the Committee on Military Affairs, to whom had been referred the bill entitled "an act in addition to an act in relation to the militia," reported the same, without amendment, with the opinion that it ought to pass.

And it was

Ordered to be engrossed and read the third time.

Mr. Sabin, from the select Committee, to whom had been referred so much of the message of the Governor as relates to the subject of Slavery, and the annexation of Texas to this Union, and the resolutions on these subjects presented by Mr. Read, on the 25th instant, reported the said resolutions with proposals to add to the same as follows: (See Appendix.)

(S. 27.) And also a bill entitled "an act further to protect personal liberty." And the said resolutions were read, and,

On motion of Mr. Camp,

Ordered to lie upon the table.

And the said bill was read the first and second times, and,

On motion of Mr. Camp,

Ordered to lie upon the table.

(H. 17.) Mr. Cahoon called up the House bill on the table, entitled "an act relating to the sale of property on executions."

Mr. Farr moved to amend the same as follows:

In line 12th of section 1, insert the word "public" before the word "place."

From same section, strike out the words "as may be agreed on by the debtor and creditor."

And add as follows:

"Section 3. This act shall take effect from and after its passage."

And the said amendments were ordered.

And the question being, Shall the bill be read a third time?

Mr. Briggs demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, Bass, Bingham, Butler, Cahoon, Cutts, Farr, Field, Green, Griswold, Morgan, Mott, Munsill, Phillips, Porter, Read, Sabin, Sargeant, Scott, Sprague, Starr and Stone—22.

Those Senators who voted in the negative are,

Messrs. E. Allen, Briggs, Camp, Dutton, Harris, Hubbard, Plumb and Thompson—8.

And so the bill was ordered to be read a third time.

And it was, thereupon, read the third time and passed in concurrence.

The following communication was received from the Governor, by Mr. Hale, Secretary of Civil and Military Affairs :

EXECUTIVE CHAMBER, }
Oct. 27, 1843. }

To the Senate :

I have the honor to inform you that, in pursuance of the joint resolution of the two Houses of the General Assembly, I have appointed Messrs. Cutts and Farr of the Senate, and Messrs. Davis, Daniels, and Vilas of the House of Representatives, a Committee, and have directed General D. W. C. Clarke, and Colonel E. H. Billings of my Staff, to accompany them, to wait upon Colonel Johnson and invite him to visit the General Assembly, in the Hall of the House of Representatives, at 12 o'clock M. this day. The Committee have attended to their duty, and report that Colonel Johnson expresses his cordial acknowledgements for the civility tendered to him, and has signified his acceptance of the invitation.

JOHN MATTOCKS.

(S. 24.) Mr. Briggs called up the engrossed bill on the table, entitled "an act relating to sheriff's sales of property."

And, without taking any question thereon,

On motion of Mr. Farr,
The Senate adjourned.

AFTERNOON.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives concur in the amendment proposed by the Senate to the bill (H. 71,) entitled "an act regulating the imprisonment of trustees."

The House have passed the resolution from the Senate providing for a Joint Assembly to elect a Superintendent, Chaplain, and three Directors of the State Prison, with an amendment, in which they request the concurrence of the Senate.

The House have passed a resolution providing for a Joint Assembly to elect a Reporter of the decisions of the Supreme Court, in which they request the concurrence of the Senate.

His Excellency the Governor has announced to the House that he has, this day, approved and signed House bills Nos. 30, 50, 57 and 18.

The following bills from the House of Representatives were severally read the first and second times, and respectively referred as follows :

(H. 51, H. 69.) House bills Nos. 51 and 69, to the Committee on Roads and Canals.

(H. 83.) House bill No. 83, to the select Committee on the petition of Lucius H. Cathan.

(H. 84.) House bill No. 84, to the Committee on the Judiciary; and
(H. 90.) House bill No. 90, to the Committee on Claims.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives agree to the free conference requested on the disagreeing votes of the two Houses, on the amendment proposed by the Senate to the resolution relating to Joint Rules, and have appointed, to manage at the same on their part, Mr. Vias, Mr. Whittemore, and Mr. Henry.

The President announced the following select Committees:

On the report of Henry Stevens relative to the claims of Vermont on the General Government, Messrs. Camp, Briggs and Cahoon.

On the Reports of the Secretary of State, and the Clerk of the House of Representatives, relative to expenses of printing and distributing the Laws and Journals of the House, Messrs. E. Allen, Read and Bass.

On the report of Governor Paine relative to the Deaf and Dumb, the Insane Poor, and the Blind, Messrs. Cahoon, Sargeant and Munsill.

Mr. Harris presented the petition of A. Wentworth Jr. and 27 others, praying for an act incorporating a Rail Road Company.

And it was read and referred to the Committee on Roads and Canals.

The hour provided by a resolution of the two Houses for a meeting of the Joint Assembly having arrived, the Senate repaired to the Hall of the House of Representatives,

And, having returned,

(S. 24.) The engrossed bill on the table entitled "an act relating to sheriff's sales of property," was taken up and further considered.

Mr. A. Allen moved to amend the same as follows:

Strike out section 1; and from section 2, strike out the words "previous to the 1st day of January, A. D. 1844."

And the question being taken, the amendments were rejected.

The question then being, Shall the bill pass?

Mr. Briggs demanded the yeas and nays, and they were as follows:

Those Senators who voted in the affirmative are,

Messrs. Briggs, Butler, Camp, Dutton, Field, Harris, Mott, Munsill, Plumb, Sargeant, Scott, Sprague, Starr and Stone—14.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Bass, Bingham, Cahoon, Cutts, Farr, Green, Griswold, Hubbard, Morgan, Phillips, Porter, Read, Sabin and Thompson—16.

So the bill was rejected.

On motion of Mr. Briggs,

The Senate adjourned.

EVENING.

The Report of the Secretary of the Senate, (see Appendix,) and that of the Auditor of Accounts, made in compliance with resolutions of the Sen-

ate calling on them for information relative to the expense of printing, binding, and distributing the Laws and the Journals of the Senate and the House of Representatives,

Were received, read, and severally referred to the select Committee raised on these reports.

(H. 2.) Mr. Briggs called up the House bill on the table, entitled "an act in relation to the granting of licences to retailers of spirituous liquors."

And the third reading thereof was refused.

So the bill was lost.

(S. 6.) The Senate took into consideration the bill entitled "an act to repeal an act relating to the punishment of capital crimes," which, together with the amendment thereto proposed by Mr. Butler, had been ordered to lie upon the table.

Mr. Briggs moved to amend the amendment by striking out the word "six," in section 3.

And it was so ordered.

And the question being, Will the Senate amend as proposed?

The yeas and nays, being demanded by Mr. Griswold, were as follows: Those Senators who voted in the affirmative are, Messrs. Bass, Bingham, Briggs, Butler, Cahoon, Camp, Farr, Green, Griswold, Morgan, Mott, Phillips, Plumb, Sabin, Scott, Sprague and Thompson—17.

Those Senators who voted in the negative are, Messrs. A. Allen, E. Allen, Cutts, Dutton, Field, Harris, Hubbard, Merrill, Porter, Read, Sargeant, Starr and Stone—13.

So the amendment was adopted.

Mr. Briggs moved to fill the blank in section 3 with the word "three."

And it was so ordered.

On motion of Mr. Farr,
The Senate adjourned.

SATURDAY, OCT. 28, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Scott presented the following resolution:

Resolved, That the select Committee on the Grand List be instructed to enquire into the expediency of so amending the 14th section of an act relating to the grand list, approved Nov. 11, 1841, that the listers of the several towns in this state shall be required to appraise all the taxable real estate in their respective towns, on or before the 10th day of June, A. D. 1844, and every third year thereafter.

And it was read and passed.

(H. 2.) Mr. Briggs moved to reconsider the vote by which the House bill entitled "an act in relation to the granting of licences to retailers of spirituous liquors," was refused the third reading, and that this motion lie upon the table.

And it was so ordered.

(H. 84.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act in addition to an act entitled "an act for the relief of Salma Davis and others," approved Nov. 11, 1842," reported the same without amendment, and recommended its passage.

And it was read the third time and passed in concurrence.

Mr. Briggs called up the resolution from the House of Representatives, providing for an adjournment of the General Assembly on Tuesday next, at 7 o'clock A. M., without day.

And, on his motion, it was amended by striking out the words "Tuesday the 31st day of October instant," and inserting in lieu thereof, the words "Wednesday the 1st day of November next," and by striking out the words "at 7 o'clock A. M."

And, thus amended, the resolution was passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have passed a resolution relative to a day of Public Thanksgiving throughout the State, in which they request the concurrence of the Senate.

(H. 77.) The House have considered the amendment of the Senate to the House bill entitled "an act in addition to, and in explanation of "an act relating to banks," approved Oct. 28, 1840," and have resolved not to concur therein.

(S. 21.) The House concur with the Senate in passing the bill entitled "an act to amend an act incorporating Troy Conference Academy."

(S. 15.) Mr. Camp called up the bill on the table entitled "an act in relation to building and repairing bridges; in addition to, and alteration of, the 21st chapter of the Revised Statutes."

And the Senate having considered the same as in Committee of the whole, it was reported with amendments, as follows:

In section 1, insert after the word "bridge," in the 3d line, the words "which shall have been suddenly destroyed or impaired;" and fill the blank, in same section, with the word "fifteen."

In section 3, strike out all after the word "propose," in the 4th line from the end, and insert as follows: "to be collected and paid to the town treasurer as other taxes are, by the time limited by the said selectmen."

And the said amendments were adopted.

The question then being, Shall the bill be engrossed and read the third time?

The yeas and nays, being demanded by Mr. Camp, were as follows:

Those Senators who voted in the affirmative are,
Messrs. Butler, Camp, Green, Phillips, Read, Sabin, Sargeant, Scott, Sprague, Starr and Thompson—11.

Those Senators who voted in the negative are,
Messrs. E. Allen, Bingham, Cahoon, Cutts, Farr, Field, Griswold, Harris, Hubbard, Morgan, Mott, Porter, Plumb and Stone—14.

So the third reading was refused, and the bill lost.

ate calling on them for information relative to the expense of printing, binding, and distributing the Laws and the Journals of the Senate and the House of Representatives,

Were received, read, and severally referred to the select Committee raised on these reports.

(H. 2.) Mr. Briggs called up the House bill on the table, entitled "an act in relation to the granting of licences to retailers of spirituous liquors."

And the third reading thereof was refused.
So the bill was lost.

(S. 6.) The Senate took into consideration the bill entitled "an act to repeal an act relating to the punishment of capital crimes," which, together with the amendment thereto proposed by Mr. Butler, had been ordered to lie upon the table.

Mr. Briggs moved to amend the amendment by striking out the word "six," in section 3.

And it was so ordered.

And the question being, Will the Senate amend as proposed?

The yeas and nays, being demanded by Mr. Griswold, were as follows: Those Senators who voted in the affirmative are, Messrs. Bass, Bingham, Briggs, Butler, Cahoon, Camp, Farr, Green, Griswold, Morgan, Mott, Phillips, Plumb, Sabin, Scott, Sprague and Thompson—17.

Those Senators who voted in the negative are, Messrs. A. Allen, E. Allen, Cutts, Dutton, Field, Harris, Hubbard, Merrill, Porter, Read, Sargeant, Starr and Stone—13.

So the amendment was adopted.

Mr. Briggs moved to fill the blank in section 3 with the word "three."

And it was so ordered.

On motion of Mr. Farr,
The Senate adjourned.

SATURDAY, OCT. 28, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Scott presented the following resolution:

Resolved, That the select Committee on the Grand List be instructed to enquire into the expediency of so amending the 14th section of an act relating to the grand list, approved Nov. 11, 1841, that the listers of the several towns in this state shall be required to appraise all the taxable real estate in their respective towns, on or before the 10th day of June, A. D. 1844, and every third year thereafter.

And it was read and passed.

(H. 2.) Mr. Briggs moved to reconsider the vote by which the House bill entitled "an act in relation to the granting of licences to retailers of spirituous liquors," was refused the third reading, and that this motion lie upon the table.

And it was so ordered.

(H. 84.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act in addition to an act entitled "an act for the relief of Salma Davis and others," approved Nov. 11, 1842," reported the same without amendment, and recommended its passage.

And it was read the third time and passed in concurrence.

Mr. Briggs called up the resolution from the House of Representatives, providing for an adjournment of the General Assembly on Tuesday next, at 7 o'clock A. M., without day.

And, on his motion, it was amended by striking out the words "Tuesday the 31st day of October instant," and inserting in lieu thereof, the words "Wednesday the 1st day of November next," and by striking out the words "at 7 o'clock A. M."

And, thus amended, the resolution was passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed a resolution relative to a day of Public Thanksgiving throughout the State, in which they request the concurrence of the Senate.

(H. 77.) The House have considered the amendment of the Senate to the House bill entitled "an act in addition to, and in explanation of "an act relating to banks," approved Oct. 28, 1840," and have resolved not to concur therein.

(S. 21.) The House concur with the Senate in passing the bill entitled "an act to amend an act incorporating Troy Conference Academy."

(S. 15.) Mr. Camp called up the bill on the table entitled "an act in relation to building and repairing bridges; in addition to, and alteration of, the 21st chapter of the Revised Statutes."

And the Senate having considered the same as in Committee of the whole, it was reported with amendments, as follows :

In section 1, insert after the word "bridge," in the 3d line, the words "which shall have been suddenly destroyed or impaired;" and fill the blank, in same section, with the word "fifteen."

In section 3, strike out all after the word "propose," in the 4th line from the end, and insert as follows : "to be collected and paid to the town treasurer as other taxes are, by the time limited by the said selectmen."

And the said amendments were adopted.

The question then being, Shall the bill be engrossed and read the third time ?

The yeas and nays, being demanded by Mr. Camp, were as follows :

Those Senators who voted in the affirmative are,
Messrs. Butler, Camp, Green, Phillips, Read, Sabin, Sargeant, Scott, Sprague, Starr and Thompson—11.

Those Senators who voted in the negative are,
Messrs. E. Allen, Bingham, Cahoon, Cutts, Farr, Field, Griswold, Harris, Hubbard, Morgan, Mott, Porter, Plumb and Stone—14.

So the third reading was refused, and the bill lost.

The resolution from the House of Representatives relative to a day of Public Thanksgiving throughout the State was read, and it was *Resolved not to concur therein.*

(H. 77.) The Senate proceeded to consider their amendment to the House bill entitled "an act in addition to, and in explanation of, an act relating to banks, approved Oct 28, 1840," which had been returned from the House of Representatives with their non-concurrence therein.

And, on motion of Mr. Starr, it was

Resolved, That the Senate recede from said amendment.

The Senate took up the resolutions of the Legislature of Massachusetts, "against the annexation of Texas to the Union," and "concerning an amendment to the Constitution of the United States,"

And they were referred to the select Committee on that portion of the Governor's message which relates to Slavery, and the annexation of Texas to the Union.

(H. 20.) Mr. Cahoon called up the House bill entitled "an act relating to exemptions from attachment."

Mr. Read moved further to amend the same by inserting, before the word "three" in the amendment ordered by the Senate and on the journal of Thursday morning last, the following: "five bushels of grain in addition to the grain now exempt, and."

And it was so ordered.

And the bill, as amended, was read the third time and passed in concurrence.

(S. 6.) The Senate took up the bill entitled "an act to repeal an act relating to the punishment of capital crimes."

And on motion of Mr. Butler, the title thereof was amended by striking out the words "to repeal an act."

And the question being, Shall the bill be engrossed and read the third time?

The yeas and nays, being demanded by Mr. E. Allen, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Bass, Bingham, Briggs, Butler, Cahoon, Camp, Cutts, Dutton, Field, Green, Griswold, Harris, Hubbard, Morgan, Mott, Phillips, Porter, Read, Sabin, Sargeant, Scott, Starr, Stone and Thompson—24.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Farr, Plumb and Sprague—5.

So the bill was

Ordered to be engrossed and read the third time.

(S. 16.) The Senate took up the engrossed bill entitled "an act to incorporate the Champlain and Connecticut River Rail Road Company."

And it was read the third time and passed.

(S. 14.) The Senate took up the engrossed bill entitled "an act in amendment of an act approved Nov. 12, 1842; relating to the advertisement of lands to be sold for taxes."

Mr. Cahoon moved to commit the bill to a Senator with instructions to amend by inserting, after the words "published in," in the 1st section, the words "a newspaper printed in an adjoining county, or in."

And it was so ordered.

And Mr. Cahoon was appointed to perform this service, who reported the same so amended.

And it was, thereupon, read the third time and passed.

On motion of Mr. Plumb,
The Senate adjourned.

AFTERNOON.

(H. 51.) Mr. Field, from the Committee on Roads and Canals, to whom had been referred the House bill entitled "an act to incorporate the Brattleboro' and Fitchburgh Rail Road Company," reported the same without amendment, and recommended its passage.

And it was read the third time and passed in concurrence.

(S. 23.) The Senate took up the engrossed bill entitled "an act in addition to an act in relation to the militia."

And it was read the third time and passed.

(S. 10.) Mr. Bass, from the Committee on Military Affairs, to whom had been referred the bill entitled "an act to pay William Maxham the sum therein mentioned," reported the same with an amendment.

And, on motion of Mr. Field, the bill and amendment were
Ordered to lie upon the table.

(H. 69.) Mr. Griswold, from the Committee on Roads and Canals, to whom had been referred the House bill entitled "an act to revive an act entitled 'an act to incorporate the Connecticut and Passumpsic Rivers Rail Road Company, passed Nov. 10, 1835,'" reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 21.) Mr. Porter, from the Committee on Manufactures, to whom had been referred the House bill entitled "an act to incorporate the Lincoln Iron Company," reported the same without amendment.

Mr. Cahoon moved to amend the same by striking out from the 9th line in section 1, the words "or may be."

And it was so ordered.

And the bill, thus amended, was read the third time and passed in concurrence.

(H. 55.) Mr. Field, from the Committee on Roads and Canals, to whom had been referred the House bill entitled "an act altering the name of the town of Monroe to that of Woodbury," reported the same without amendment.

And it was read the third time and passed in concurrence.

(S. 28.) Mr. A. Allen, from the Committee on Military Affairs, to whom had been referred so much of the message of the Governor as relates to the militia, together with sundry resolutions of the Senate, reported the opinion of the Committee to be adverse to the repeal of the "act in relation to the militia," and, also reported a bill entitled "an act in amendment of an act in relation to the militia."

And the said bill was read the first and second times, and,

On motion of Mr. Allen,

Ordered to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed a bill (H. 1,) entitled “an act to repeal an act in relation to the militia,” in which they request the concurrence of the Senate.

I am directed to communicate to the Senate the reports of the Bank Committee, and the Bank Commissioner, which have, heretofore, been transmitted to the House for the use of the General Assembly.

The reports of the Bank Committee and Bank Commissioner were referred, without reading, to the Committee on Banks.

(H. 1.) House bill No. 1, was read the first and second times, and referred to the Committee on Military Affairs.

Mr. Farr introduced the following resolution :

Resolved, by the Senate and House of Representatives, that the two Houses meet in Joint Assembly on Tuesday next, at 10 o'clock A. M., for the purpose of electing Judges of the Supreme Court.

The hour appointed for that purpose having arrived, the Senate repaired to the Hall of the House of Representatives to go into Joint Assembly, Having returned,

(S. 5.) Mr. Dutton called up the bill on the table entitled “an act relating to assignments,” and moved to amend the same by striking out all after the enacting clause, and inserting as follows :

Section 1. All assignments hereafter made by debtors in this State, for the benefit of their creditors, shall provide for an equal distribution of all their estate real and personal, among their creditors, in proportion to the amount of their respective claims, excepting such property of said debtors as is by law exempt from attachment; and all assignments otherwise made shall be null and void.

Section 2. This act shall take effect from and after its passage.

And it was so ordered.

And the bill, as amended, was

Ordered to be engrossed and read the third time.

(S. 29.) Mr. Butler introduced a bill entitled “an act relating to process.”

And it was read the first and second times and referred to the Committee on the Judiciary.

(H. 82.) Mr. Camp, from the Committee on Finance, to whom had been referred the House bill entitled “an act for the relief of the town of Glastenbury,” reported the same without amendment.

And it was read the third time.

And the question, Shall the bill pass? decided in the negative.

So the bill was lost.

On motion of Mr. Briggs, it was

Ordered, That when the Senate adjourn, it adjourn to meet on Monday morning next.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the bill (S. 13,) entitled “an act relating to associations; in addition to chapter 81 of the Revised Statutes.”

(H. 71.) The Governor has announced to the House of Representatives that he has, this day, approved and signed House bill No. 71.

(S. 19.) Mr. Plumb called up the bill on the table, entitled “an act in relation to inn-keepers and retailers; in addition to, and in alteration of, chapter 83 of the Revised Statutes,” and moved to amend the same by inserting in section 5, after the word “addition,” the words “and the act in alteration of chapter 83 of the Revised Statutes, approved Nov. 5, 1842.”

And it was so ordered.

And the question, Shall the bill be engrossed and read the third time? was decided in the negative.

So the bill was lost.

Mr. Starr, from the Committee on Banks, to whom had been referred the reports of the Bank Commissioner and the Bank Committee, reported the same, and that no legislative action is required thereon.

(S. 9.) Mr. Farr called up the bill on the table entitled “an act providing for a registry of voters.”

And after considering the same as in Committee of the whole,

On motion of Mr. Camp, it was

Ordered that the bill be recommitted to the Committee on Elections with instructions to amend.

(S. 30.) Mr. A. Allen introduced a bill entitled “an act to prevent errors in voting.”

And it was read the first and second times, and referred to the Committee on Elections.

On motion of Mr. Harris,
The Senate adjourned.

MONDAY, Oct. 30, 1843.

Prayer by the Chaplain.

The journal of Saturday was read and approved.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the resolution providing for a Joint Assembly to elect Judges of the Supreme Court for the ensuing year.

The House have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 68.) “An act relating to imprisonment of debtors.”

(H. 74.) “An act to provide for the disposal of unclaimed property stored with wharfingers and other store-house keepers.”

(H. 91.) "An act providing for the collection of taxes assessed on real estate."

(H. 92.) "An act assessing a tax for the support of Government."

(H. 93.) "An act authorizing the Treasurer to borrow the sum therein mentioned;" and

(H. 94.) "An act in amendment of "an act in relation to the State Prison," approved Nov. 10, 1841."

(H. 82.) Mr. Sargeant moved that a message be sent to the House of Representatives, requesting them to return to the Senate the House bill entitled "an act for the relief of the town of Glastenbury," which had been sent to the House on Saturday with the non-concurrence of the Senate in the passing thereof.

And it was so ordered.

(S. 31.) Mr. Read introduced a bill entitled "an act to encourage and promote agriculture."

And it was read the first and second times, and referred to the Committee on Agriculture.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—I am directed, in compliance with the request of the Senate, to return to them the House bill (H. 82.) entitled "an act for the relief of the town of Glastenbury."

(H. 82.) On motion of Mr. Sargeant, the vote refusing a third reading to House bill No. 82, was reconsidered, and the bill

Ordered to lie upon the table.

(S. 9.) Mr. Sprague, from the Committee on Elections, to whom had been recommitted the bill entitled "an act providing for a registry of voters," with instructions to amend, reported the same with an amendment, which is to strike out all after the enacting clause, and insert a substitute for the bill.

Mr. Briggs moved the indefinite postponement of the bill.

And on this question, the yeas and nays, being demanded by Mr. Farr, were as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, E. Allen, Bass, Briggs, Butler, Cahoon, Camp, Cutts, Dutten, Field, Green, Harris, Hubbard, Morgan, Mott, Munsill, Porter, Plumb, Read, Scott, Starr, Stone and Thompson—23.

Those Senators who voted in the negative are,

Messrs. Bingham, Farr, Griswold, Phillips, Sabin, Sargeant and Sprague—7.

So the bill was indefinitely postponed.

Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the resolution relative to the Vermont Reports, submitted the following report (see Appendix,) and accompanying resolutions:

The resolutions are as follows:

Resolved, by the Senate and House of Representatives, that the Reporter of the decisions of the Supreme Court be instructed to request the Judges of said Court to furnish him with the cases which have been heard and determined by said Court, and have not been reported.

Resolved, That the Reporter be instructed to publish one or more volumes of Reports, as soon as may be, comprising such cases as have been

decided previously to the year 1843, and including cases determined in 1843.

Resolved, That all cases reported should be published and distributed within one year after the decisions are made.

And they were read and passed.

(S. 32.) Mr. Cahoon introduced a bill entitled "an act relating to the grand list."

And it was read the first and second times and referred to the select Committee on the grand list.

(S. 33.) Mr. Starr introduced a bill entitled "an act relating to repairs of bridges."

And it was read the first and second times and referred to the Committee on Roads and Canals.

The following bills from the House of Representatives were severally read the first and second times, and referred as follows :

(H. 68, H. 91.) House bills Nos. 68 and 91, to the Committee on the Judiciary.

(H. 74.) House bill No. 74, to the Committee on Roads and Canals.

(H. 92, H. 93.) House bills No. 92 and No. 93, to the Committee on Finance; and

(H. 94.) House bill No. 94, to the Committee on Claims.

(S. 5.) The engrossed bill entitled "an act relating to assignments," was taken up, and read the third time.

Mr. Farr moved that the said bill be committed to a Senator with instructions to amend the same by inserting the word "general" before the word "assignment," in the 1st line of section 1.

And it was so ordered.

And the bill was committed to Mr. Dutton, who reported the same so amended.

Mr. Cahoon moved that the bill be committed to a Senator with instructions to amend further by inserting the word "such" before the word "assignments," in the 8th line of section 1.

And it was so ordered.

And the bill was committed to Mr. Briggs, who reported the same so amended.

And the bill was, thereupon, passed.

The following communication was received from His Excellency the Governor, by the hands of Mr. Hale, the Secretary of Civil and Military Affairs :

EXECUTIVE CHAMBER, }
Oct. 30, 1843. }

To the Senate :

I have the honor to inform you that Loring Dean, of Manchester, declines to accept the office of Assistant Judge of the County Court for the County of Bennington, for the ensuing political year.

JOHN MATTOCKS.

(H. 61.) The Senate took up the House bill on the table, entitled "an act relative to the collection of arrearages of highway taxes."

And the passage thereof was refused.

(S. 34.) Mr. Farr introduced a bill entitled "an act in relation to Rail Roads."

And it was read the first and second times and referred to the Committee of Roads and Canals.

(S. 10.) Mr. Griswold called up the bill on the table, entitled "an act to pay William Maxham the sum therein mentioned," together with the amendment thereto proposed by the Committee on Military Affairs.

The amendment is as follows :

Strike out all after the enacting clause, and insert as follows :

"The State Treasurer is directed to pay William Maxham the sum of \$41,05, and interest on the same, amounting to \$7,33, being for repairs made on a field piece carriage, baggage waggon, and harness, belonging to this State, and in possession of the 21st regiment of the militia of this State, in the summer of 1840."

And it was adopted.

On motion of Mr. Camp, the bill was

Ordered to lie upon the table.

On motion of Mr. Cahoon,

The Senate adjourned.

AFTERNOON.

(S. 35.) Mr. Sargeant, from the Committee on the Judiciary, to whom had been referred the resolution presented by Mr. Camp, and on the journal of the 14th instant, relative to amending chapter 28 of the Revised Statutes, reported a bill entitled "an act relating to the sale of property attached on *meine process* ; in addition to chapter 28 of the Revised Statutes."

And it was read the first and second times and

Ordered to be engrossed and read the third time.

(S. 30.) Mr. Sargeant, from the same Committee, to whom had been referred the bill entitled "an act to prevent errors in voting," reported the same, with the opinion of the Committee that it ought not to pass.

And the third reading thereof was refused.

A message from the House of Representatives, by Mr. Merfill, their Clerk :

MR. PRESIDENT:—The House of Representatives have considered the amendments of the Senate to the House bills entitled

(H. 20.) "An act relating to exemptions from attachment;"

(H. 21.) "An act to incorporate the Lincoln Iron Company;" and

(H. 49.) "An act to incorporate Central Rail Road Company;"

And have resolved to concur therein.

The House have passed a resolution relative to a day of Public Thanksgiving throughout the State, in which they request the concurrence of the Senate.

(S. 32.) Mr. Sprague, from the select Committee on the Grand List, to whom had been referred the resolution of Mr. Scott relating to a new ap-

praisal of the real estate in this State, and the bill entitled "an act relating to the grand list," reported the same, with the opinion of the Committee that no legislative action is necessary on the said resolution, and that the said bill ought not to pass.

And the third reading thereof was refused.

(S. 33.) Mr. Field, from the Committee on Roads and Canals, to whom had been referred the bill entitled "an act relating to repairs of bridges," reported the same, with an amendment, as follows:

Strike out all after the enacting clause, and insert a substitute to the bill.

And the amendment was adopted, and the bill, as amended,

Ordered to be engrossed and read the third time.

(H. 74.) Mr. Hubbard, from the same Committee, to whom had been referred the bill from the House of Representatives entitled "an act providing for the disposal of unclaimed property stored with wharfingers and other store-house keepers," reported the same, without amendment.

And it was read the third time and passed in concurrence.

(H. 94.) Mr. Cutts, from the Committee on Claims, to whom was referred the House bill entitled "an act in amendment of "an act in relation to the State Prison," approved Nov. 10, 1841," reported the same without amendment.

And it was read the third time and passed in concurrence.

(S. 11.) Mr. Plumb, from the select Committee on the petition of Reuben Spaulding and others, to whom was referred the bill entitled "an act relating to licences to retailers and inn-keepers," reported the same without amendment, and it was

Ordered to be engrossed and read the third time.

The Senate took up the resolution from the House of Representatives, relative to a day of Public Thanksgiving.

And it was read.

Mr. Camp moved to amend the same by striking out the word "whereas" and inserting in lieu thereof the word "Resolved;" and by striking out all after the word "sentiment."

And it was so ordered.

And on motion of Mr. Field, the resolution, as amended, was

Ordered to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have considered the amendments of the Senate to the resolution relative to a day of adjournment of the General Assembly, and have resolved not to concur therein.

I am directed to communicate to the Senate the report of the Superintendent of the Vermont State Prison, and accompanying documents, which have been transmitted to the House for the use of the General Assembly.

The House have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 101.) "An act to alter the names of Timothy W. Knights, and Louisa Knights."

(H. 87.) "An act in addition to the several acts regulating the militia."

(H. 98.) "An act providing for the discontinuance of a certain road in Stratton."

(H. 100.) "An act altering the name of Lousina Tiff."

(H. 107.) "An act altering the name of the town of Orleans to that of Coventry."

(H. 108.) "An act for the protection of personal liberty."

(H. 97.) "An act altering the name of Rebecca Hall;" and

(H. 88.) "An act relating to the recognizance of sheriffs."

(S. 31.) Mr. E. Allen, from the Committee on Agriculture, to whom had been referred the bill entitled "an act to encourage and promote agriculture," reported the same without amendment, and it was

Ordered to be engrossed and read the third time.

(S. 29.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the bill entitled "an act relating to process," reported the same without amendment, and it was

Ordered to be engrossed and read the third time.

The Senate proceeded to consider their amendments to the resolution of the House of Representatives, relative to a day of adjournment of the General Assembly, which had been returned from the House, with their non-concurrence therein.

And on motion of Mr. Plumb, the resolution was

Ordered to lie upon the table.

Mr. Briggs presented the following resolution:

Resolved, by the Senate and House of Representatives, that the General Assembly adjourn on Thursday the 2d day of November next, at 7 o'clock A. M., without day.

And it was read.

Mr. Camp moved to amend the same by striking out the words "at 7 o'clock A. M."

And on this question demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,
Messrs. A. Allen, Bass, Bingham, Butler, Cahoon, Camp, Farr, Phillips, Sargeant, Sprague and Thompson—11.

Those Senators who voted in the negative are,
Messrs. E. Allen, Briggs, Cutts, Dutton, Field, Green, Griswold, Harris, Hubbard, Morgan, Mott, Munsill, Porter, Plumb, Read, Sabin, Scott, Starr and Stone—19.

So the amendment was rejected.

And the resolution passed.

(H. 1.) Mr. A. Allen, from the Committee on Military Affairs, to whom had been referred the House bill entitled "an act to repeal an act in relation to the militia," reported the same, with the opinion that it ought not to pass.

And, on his motion, it was

Ordered to lie upon the table.

(S. 28.) The Senate took up the bill on the table entitled "an act in amendment of an act in relation to the militia," and having considered the same as in Committee of the whole, reported it without amendment, and it was

Ordered to be engrossed and read the third time.

The following bills from the House of Representatives were severally read the first and second times, and respectively referred as follows:

(H. 88.) House bill No. 88, to the Committee on the Judiciary.

(H. 97, H. 100, H. 101.) House bills No. 97, No. 100, and No. 101, to the select Committee on the petition of Lucius H. Cathan.

(H. 107.) House bill No. 107, to the Committee on Finance.

(H. 98.) House bill No. 98, to the Committee on Roads and Canals; and

(H. 108.) House bill No. 108, to the select Committee on so much of the Governor's message as relates to the subject of Slavery and the annexation of Texas to this Union.

(S. 10.) The Senate took up the bill on the table, entitled "an act to pay William Maxham the sum therein mentioned."

And it was

Ordered to be engrossed and read the third time.

The Senate took up the resolutions on the table, reported by the select Committee to whom had been referred the resolutions of Mr. Read, on the journal of the 25th instant.

And, on motion of Mr. Farr, the same were considered separately.

Mr. Farr moved to amend the first resolution by striking out the words "unconstitutional and."

And on this question, demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,
Messrs. Bingham, Butler, Cutts, Farr and Griswold—5.

Those Senators who voted in the negative are,
Messrs. A. Allen, E. Allen, Bass, Briggs, Camp, Dutton, Field, Green, Harris, Hubbard, Morgan, Mott, Munsill, Phillips, Porter, Plumb, Read, Sabin, Sargeant, Scott, Starr, Stone and Thompson—23.

So the amendment was lost.

And the resolution was passed.

The second resolution was passed.

Mr. Farr moved to amend the third resolution by inserting the words "and Territory of Florida," after the word "Columbia."

And it was so ordered.

And the resolution, as amended, was passed.

Mr. Farr moved to amend the fourth resolution, by inserting the words "which excludes all petitions on the subject of slavery," after the words "the 21st Rule."

And it was so ordered.

And the resolution, as amended, was passed.

The fifth resolution was passed.

Mr. Farr moved to amend the sixth resolution by striking out the words "and that we regard all laws passed by our sister States denying these rights, as unconstitutional and void."

And it was so ordered.

Mr. Camp moved further to amend the same, by striking out the words "even by State Legislatures."

And it was so ordered.

And the resolution, thus amended, was passed.

The seventh resolution was passed.

The eighth resolution, as follows:

"That the Constitution of the United States ought to be so amended as to prevent the existence and maintenance of Slavery in the United States in any form whatever,"

Was rejected.

The ninth and tenth resolutions were passed.

The said resolutions as amended and passed by the Senate, are as follows:

Resolved, by the Senate and House of Representatives,

First. That we protest against any attempt for the annexation of Texas in this Union, as unconstitutional, and dangerous to the stability of the Union itself;

Second. That we can in no way assent to any purpose or measure, the object of which shall be to enlarge the slave-holding territory of the country, and thus to increase the political power of the slave-holding States;

Third. That we regard the abolition of slavery in the District of Columbia, and the Territory of Florida, as within the province and Constitutional powers of Congress; and that we urge upon that body the propriety of its speedy abolition in that District and Territory.

Fourth. That we regard the right of petition as sacred; and hold the doctrines of the 21st rule, which excludes all petitions on the subject of slavery, and the rejection of petitions under it, are known and wanton violations of the Constitution and laws of the country; and, if adhered to by any portion of the Union, place that portion in the attitude of hostility to the Constitution itself, which forms the only and proper bond of union among the several States;

Fifth. That we desire the speedy abolition of slavery throughout the whole land; and that we will use all just and lawful means within our power, to accomplish that end;

Sixth. That the rights of *Habeas Corpus* and of Trial by Jury, are sacred and inviolable, and cannot lawfully be denied to any human being in the land, irrespective of color or condition;

Seventh. That we believe that all slaves transported by their owners upon the high seas beyond the bounds and jurisdiction of the slave States are, and of right ought to be, free, the same as if their owners had voluntarily transported them to any of the free states.

Eighth. That our Senators be instructed, and our Representatives in Congress be requested, to present the foregoing resolutions to their respective Houses, and to use their best endeavors to carry out the foregoing principles.

Ninth. That the Governor of this state be requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

(H. 87.) House bill No. 87 was read the first and second times, and referred to the Committee on Military Affairs.

On motion of Mr. Sargeant, it was

Ordered, That when the Senate adjourn, it will adjourn to meet to-morrow morning.

On motion of Mr. Sargeant,

The Senate adjourned.

TUESDAY, Oct. 31, 1843.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

Mr. Sargeant presented the following resolution:

Resolved, by the Senate and House of Representatives, that the two Houses meet in Joint Assembly, on Tuesday the 31st October inst., at 10 o'clock forenoon, to elect a Bank Commissioner and Bank Committee for the year ensuing.

And it was read and passed.

(H. 91.) Mr. Sargeant, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act providing for the collection of taxes assessed on real estate," reported the same without amendment.

And it was read the third time, and

On motion of Mr. Briggs,

Ordered to lie upon the table.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. President:—I am directed to communicate to the Senate certain resolves of the States of Georgia and Alabama, which have heretofore been transmitted to the House of Representatives for the use of the General Assembly.

The House have considered the resolutions of the Senate providing for a Joint Assembly to elect a Bank Commissioner and Bank Committee for the year ensuing, and providing for the adjournment of the General Assembly without day, and have resolved to concur therein.

The hour appointed by resolutions of the two Houses, for a meeting of the Joint Assembly, having arrived, the Senate repaired to the Hall of the House of Representatives.

Having returned,

(H. 68.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act relating to imprisonment of debtors," reported the same, with a proposal of amendment, to strike out from the title thereof the words "imprisonment of debtors," and insert the word "process" in lieu thereof.

And it was so ordered.

And thus amended, the bill was read the third time and passed in concurrence.

(S. 22.) Mr. Thompson, from the select Committee on the petition of Lucius H. Cathan, to whom had been referred the bill entitled, "an act altering the names of persons therein mentioned," and House bills No. 101, No. 100, No. 58, No. 97, No. 48, and No. 83, reported the said House bills with the opinion that they ought not to pass, and the Senate bill with the proposal to amend the same by incorporating with its provisions the substance of said House bills.

And the said amendment was adopted.

And the bill, as amended, was

Ordered to be engrossed and read the third time.

The said House bills were severally
Ordered to lie upon the table.

(H. 88.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act relating to the recognizance of sheriffs," reported the same without amendment, and it was
Ordered to lie upon the table.

(S. 28.) The engrossed bill entitled "an act in amendment of an act in relation to the militia," was taken up, read the third time and passed.

(H. 82.) The Senate took up the House bill on the table, entitled "an act for the relief of the town of Glastenbury," and it was passed in concurrence.

The resolutions from the Legislatures of Georgia and Alabama, relative to persons of color, and to fugitive slaves, were referred to the select Committee raised on that portion of the message of the Governor which relates to the subject of Slavery and the annexation of Texas to this Union.

(S. 29.) The Senate took up the engrossed bill entitled "an act in relation to process."

And it was read the third time and passed.

(S. 10.) The engrossed bill entitled "an act to pay William Maxham the sum therein mentioned," was taken up and read the third time.

Mr. Cutts moved that the same be committed to a Senator to be so amended as that it shall direct the Auditor of Accounts to draw his order on the Treasurer for the sum granted by the bill.

And it was so ordered, and Mr. Cutts appointed to make the amendment, who reported the same so amended.

And, as amended, it was passed.

(S. 33.) The engrossed bill entitled "an act relating to repairs of bridges," was taken up, read the third time and passed.

(S. 35.) The Senate took up the engrossed bill entitled "an act relating to the sale of property on attachment on *mesne process*; in addition to chapter 28 of the Revised Statutes."

And it was read the third time, and,

On motion of Mr. Cahoon,

Ordered to lie upon the table.

(S. 36.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the resolution of Mr. Griswold, on the journal of the 26th instant, reported a bill entitled "an act relating to the grand list, in alteration of an act approved Nov. 11, 1841."

And it was read the first and second times, and

Ordered to be engrossed and read the third time.

Mr. Thompson, from the Committee on Bills, reported that they have, this day, submitted to His Excellency, the Governor the following bills:

House bills No. 55, No. 51, No. 69, No. 84, No. 77, No. 49, No. 74, No. 94, No. 21, and No. 20; and

Senate bills No. 13, and No. 21.

(S. 25.) Mr. Griswold called up the bill on the table, entitled "an act amending section 18, chapter 18 of the Revised Statutes."

Mr. Briggs moved that the same be indefinitely postponed.

And on this question, the yeas and nays, being demanded by Mr. Bass, were as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, E. Allen, Briggs, Butler, Cahoon, Camp, Cutts, Field, Green, Harris, Hubbard, Morgan, Mott, Munsill, Porter, Plumb, Read, Sabin, Starr, Stone and Thompson—21.

Those Senators who voted in the negative are,

Messrs. Bass, Bingham, Dutton, Farr, Griswold, Phillips, Sargeant, Scott and Sprague—9.

So the bill was indefinitely postponed.

(S. 37.) Mr. Read introduced a bill entitled "an act repealing section 9, of chapter 33 of the Revised Statutes."

And it was read the first and second times and referred to the Committee on the Judiciary.

Mr. Dutton, from the joint Committee of the two Houses appointed to enquire into and report the condition of the State Library, made the following report: (See Appendix.)

(S. 38.) Mr. Griswold introduced a bill entitled "An act construing the 7th section of the act in relation to the militia, approved Nov. 12, 1842."

And it was read twice and referred to the Committee on Military Affairs.

(S. 6.) Mr. Read called up the engrossed bill entitled "an act relating to the punishment of capital crimes," and moved that the same be committed to a Senator with instructions to amend by striking out from section 2 the words "one year," and inserting in lieu thereof, the words "six months."

And the motion was lost.

The bill was thereupon read the third time.

And the question being, Shall the bill pass?

The yeas and nays, being demanded by Mr. Sabin, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Bass, Bingham, Butler, Cahoon, Camp, Cutts, Dutton, Field, Green, Griswold, Harris, Hubbard, Morgan, Mott, Munsill, Phillips, Porter, Read, Sabin, Sargeant, Scott, Starr, Stone and Thompson—25.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Farr, Plumb and Sprague—5.

So the bill was passed.

Mr. Dutton requested to be discharged from further service in the Senate after this day.

And the request was granted.

Mr. Camp made a like request, which was also granted.

On motion of Mr. Thompson,

The Senate adjourned.

AFTERNOON.

(H. 87.) Mr. Thompson, from the Committee on Military Affairs, to whom had been referred the House-bill entitled "an act in addition to

the several acts regulating the militia," reported the same with the opinion that it ought not to pass.

And on his motion, it was

Ordered to lie upon the table.

(H. 98.) Mr. Field, from the Committee on Roads and Canals, to whom had been referred the House bill entitled "an act providing for the discontinuance of a certain road in Stratton," reported the same without expressing any opinion as to the merits thereof.

And the third reading was refused.

Mr. Cutts, from the Committee on Claims, to whom had been referred the petition of Sylvester Phelps and Jedediah P. Ladd, made a report (see Appendix,) concluding with the recommendation that the petitioners have leave to withdraw their petition.

And the leave was granted.

(S. 39.) Mr. Briggs introduced a bill entitled "an act relating to the first and second Judicial Circuits."

And it was read twice, and, the rule being suspended for that purpose,

Ordered to be engrossed and read the third time.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives have passed a resolution providing for the postponement of the day of payment of certain notes due the State from the University of Vermont, in which they request the concurrence of the Senate.

Mr. A. Allen, from the Committee on Military Affairs, to whom had been referred the report of the Adjutant General, and the accompanying documents, reported the same, with the opinion that no action is necessary thereon.

(S. 1.) The Senate took up the engrossed bill on the table, entitled "an act relating to the Judiciary;" and,

On motion of Mr. Briggs,

It was indefinitely postponed.

The Senate proceeded to consider the resolution from the House of Representatives relative to postponing the day of payment of certain notes due the State from the University of Vermont.

And it was passed in concurrence.

Mr. A. Allen, from the Committee on Military Affairs, to whom had been referred the petition of the Forestdale Volunteers and others, reported that no legislative action is required thereon, and recommend that the petitioners have leave to withdraw their petition.

And the leave was granted.

(H. 107.) Mr. Munsill, from the Committee on Finance, to whom had been referred the House bill entitled "an act altering the name of the town of Orleans to that of Coventry," reported the same without amendment.

And it was read the third time.

And the question being, Shall the bill pass?

The yeas and nays, being demanded by Mr. Cutts, were as follows:—
Mr. Camp being, on his motion, excused from voting on the question :

Those Senators who voted in the affirmative are,

Messrs. Bass, Bingham, Butler, Cahoon, Dutton, Farr, Green, Griswold, Harris, Morgan, Mott, Munsill, Phillips, Plumb, Read, Sabin, Sargeant, Scott, Starr and Stone—20.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Briggs, Cutts, Field, Porter, Sprague and Thompson—8.

So the bill was passed.

(S. 31.) The Senate took up the engrossed bill entitled "an act to encourage and promote Agriculture."

And it was read the third time and passed.

The hour having arrived, pursuant to an adjournment, for forming a Joint Assembly, the Senate repaired to the Hall of the House of Representatives.

Having returned,

(S. 11.) The engrossed bill entitled "an act relating to licences to retailers and inn-keepers," was taken up, read the third time, and the passage thereof refused.

(S. 39.) The engrossed bill entitled "an act relating to the first and second Judicial Circuits," was taken up,

And, by unanimous-consent of the Senate, read the third time and passed.

(H. 2.) The House bill entitled "an act in relation to the granting of licences to retailers of spirituous liquors," and the vote refusing the third reading of the same, was reconsidered.

And, on motion of Mr. Butler, it was

Ordered to lie upon the table.

(H. 90.) Mr. Cutts, from the Committee on Claims, to whom had been referred the House bill entitled "An act to pay Edward G. Babcock the sum therein mentioned," reported the same without amendment.

And it was read the third time.

The question being, Shall the bill pass?

The yeas and nays were demanded by Mr. Harris, and were as follows:

Those Senators who voted in the affirmative are,

Messrs. Cahoon, Cutts, Dutton, Field, Plumb, Sprague, Starr and Thompson—8.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Bass, Bingham, Briggs, Butler, Camp, Green, Harris, Hubbard, Morgan, Mott, Munsill, Phillips, Porter, Read, Sabin, Sargeant, Scott and Stone—20.

So the passage of the bill was refused.

(S. 36.) The engrossed bill entitled "an act relating to the grand list, in alteration of an act approved Nov. 11, 1841," was taken up, by unanimous consent read the third time, and

On motion of Mr. Butler,

Ordered to lie upon the table.

(H. 91.) Mr. Cahoon called up the House bill on the table, entitled "an act providing for the collection of taxes assessed on real estate," and moved that the same be amended by striking out all after the enacting clause and inserting a substitute for the bill.

And it was so ordered.

And the bill, as amended, passed in concurrence.

(H. 2.) Mr. Butler called up the House bill entitled "an act relating to the granting of licences to retailers of spirituous liquors."

Mr. Briggs moved to amend the same by striking out the word "seven."

And on this question Mr. Butler demanded the yeas and nays, which were as follows :

Those Senators who voted in the affirmative are,

Messrs. A. Allen, Bass, Bingham, Cutts, Dutton, Farr, Field, Green, Griswold, Harris, Hubbard, Morgan, Mott, Munsill, Porter, Read, Sergeant, Scott and Starr—19.

Those Senators who voted in the negative are,

Messrs. E. Allen, Butler, Camp, Phillips, Plumb, Sabin, Sprague, Stone and Thompson—9.

So the amendment was adopted.

And the bill, as amended, was passed in concurrence.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs :

MR. PRESIDENT :—I am directed by the Governor to inform the Senate that he has this day approved and signed the following entitled bills :

(S. 13.) "An act relating to associations; in addition to chapter 81 of the Revised Statutes;" and

(S. 21.) "An act to amend an act to incorporate Troy Conference Academy."

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT :—The House of Representatives have passed a resolution relative to the distribution of Public Documents in the State Library, in which they request the concurrence of the Senate.

The Governor has announced to the House that he has this day approved and signed House bills No. 21, No. 77, No. 84, No. 49, No. 20, No. 94, No. 135, No. 69, No. 74, and No. 51.

The resolution from the House of Representatives relative to the distribution of Public Documents in the State Library, was read and passed in concurrence.

(S. 38.) Mr. A. Allen, from the Committee on Military Affairs, to whom had been referred the bill entitled "an act construing the 7th section of the act in relation to the Militia, approved Nov. 12, 1842," reported the same, with the proposal to amend as follows :

Strike out the words "in relation to the militia," and insert, in lieu thereof, the words "relating to public accounts."

And it was so ordered.

And the bill, as amended, was

Ordered to be engrossed and read the third time.

Mr. Griswold, from the select Committee on the subject of Slavery and the annexation of Texas to this Union, to whom had been referred the resolves of the Legislatures of the States of Georgia and Alabama, reported the same, with the opinion of the Committee that no legislative action is called for thereon.

(S. 37.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the bill entitled "an act repealing section 9 of chapter 33

of the Revised Statutes," reported the same, with no expression of the opinion of the Committee as to the expediency of passing the same.

And it was

Ordered to be engrossed and read the third time.

(S. 36.) Mr. Griswold called up the engrossed bill on the table, entitled an act relating to the grand list, in alteration of an act approved Nov. 11, 1841."

Mr. Read moved to commit the same to a Senator, with instructions to amend by striking out, after the word "until," the words "they shall give notice to the assessors that."

And it was so ordered.

And Mr. Read was appointed to perform this service, who reported the bill, amended as proposed.

And without taking any further question thereon,

On motion,

The Senate adjourned.

EVENING.

(H. 108.) Mr. Munsill, from the select Committee on the subject of Slavery and the annexation of Texas to this Union, to whom had been referred the House bill entitled "an act for the protection of personal liberty," reported the same, with the proposal to amend the same as follows:

After the word "high bailiff" in the 2d, 3d, and 5th sections, add the words "deputy bailiff," and

Strike out section 7.

And the said amendments were adopted.

And, on motion of Mr. Briggs, the bill was

Ordered to lie upon the table.

(S. 22.) The Senate took up the engrossed bill entitled "an act altering the names of persons therein mentioned."

And it was read the third time and passed.

(S. 37.) The Senate took up the engrossed bill entitled "an act repealing section 9, of chapter 33 of the Revised Statutes."

and it was read the third time, and,

On motion of Mr. Cahoon, re-committed to the Committee on the Judiciary for general amendment in the form of the bill.

And the said Committee reported the same, amended.

Mr. Butler moved further to amend the bill by striking out the word "three," and inserting the word "two."

And it was so ordered.

And the bill, as amended, was passed.

(S. 38.) The engrossed bill entitled "an act construing the 7th section of the act relating to public accounts, approved Nov. 12, 1842," was taken up, read the third time and passed.

(S. 7.) Mr. Camp called up the bill on the table, entitled "an act defining the qualifications and rights of freemen, and for other purposes."

And, on his motion, the same was indefinitely postponed.

(S. 36.) The Senate took up the engrossed bill on the table, entitled "an act relating to the grand list; in alteration of an act approved Nov. 11, 1841."

And it was passed.

(S. 35.) The engrossed bill on the table, entitled "an act relating to the sale of property on attachment on *mesne process*; in addition to chapter 28 of the Revised Statutes," was taken up and passed.

(H. 1.) The Senate proceeded to consider the House bill on the table, entitled "an act in relation to the militia," and

On motion of Mr. Butler, it was

Ordered to lie upon the table.

(S. 27.) Mr. Sabin called up the bill on the table, entitled "an act further to protect personal liberty," and moved to amend the same by striking out all after the enacting clause and inserting a substitute for the bill.

And it was so ordered.

Mr. Sabin moved to fill the blanks in the bill as amended, as follows:

The blank before the word "dollars" with the words "one thousand;" and that before the word "years" with the word "three."

And it was so ordered.

And the bill, as amended, was

Ordered to be engrossed and read the third time.

(H. 90.) Mr. Briggs moved that the Secretary be directed to request the House of Representatives to return to the Senate the House bill entitled "an act to pay Edward G. Babcock the sum therein mentioned."

And it was so ordered.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives do not concur with the Senate in passing the bill (S. 20,) entitled "an act constituting a Board of Education."

The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate:

(H. 125.) "An act fixing the times of holding the County Courts in Washington County."

(H. 130.) "An act in relation to military fines."

(H. 128.) "An act making an appropriation to the Vermont Asylum for the Insane."

(H. 124.) "An act in relation to the duties of the Bank Commissioner."

(H. 121.) "An act making appropriation for the support of Government."

(H. 111.) "An act relating to the fees of County Clerks."

(H. 126.) "An act relating to State's Attorneys."

(H. 47.) "An act in relation to the collection of taxes assessed on real estate."

(H. 3.) "An act regulating the writ of *Audita Querela*."

(H. 119.) "An act relating to costs in civil actions."

(H. 122.) "An act in addition to 'an act relating to public accounts, approved Nov. 12, 1842.'"

(H. 78.) "An act in addition to chapter 81 of the Revised Statutes, in relation to religious and other societies."

(H. 90.) "An act authorizing a change of venue in cases in the County Court."

(H. 112.) "An act to protect the character of women."

(H. 129.) "An act in addition to chapter 18, of the Revised Statutes, relating to common schools."

(H. 80.) "An act relating to Engine Company No. 3, in Burlington."

(H. 81.) "An act to pay Simeon Herrick the sum therein mentioned."

(H. 135.) "An act relating to the duties of Chancellor."

(H. 89.) "An act to alter the name of Nancy Taylor Johnson."

(H. 131.) "An act constituting Hosea B. Dix heir at law of Susan Dix."

(H. 123.) "An act granting a ferry to Harry Hill."

(H. 54.) "An act to alter the name of Harriet Wilson."

(H. 105.) "An act extending the time for the payment of a debt due the State from Amos Wilkins and Eli Hinds Jr."

(H. 64.) "An act to pay Richard F. Abbot the sum therein mentioned."

(H. 127.) "An act to pay Isaiah Matteson the sum therein mentioned," and

(H. 117.) "An act in addition to 'an act incorporating the Norwich University.'"

(H. 90.) I am directed, in compliance with the request of the Senate, to return the House bill entitled "an act to pay Edward G. Babcock the sum therein mentioned."

(H. 90.) On motion of Mr. Briggs, the vote refusing the third reading to the House bill entitled "an act to pay Edward G. Babcock the sum therein mentioned," was reconsidered.

And, on motion of Mr. Cutts, the bill was

Ordered to lie upon the table.

(H. 11.) The Senate took up the House bill on the table, entitled "an act relative to the incorporation of Fire Insurance Companies."

And the third reading thereof was refused.

(H. 8.) The House bill entitled "an act to incorporate the Grafton Fire Company," was taken up.

And the third reading thereof was refused.

(S. 31.) Mr. Field, from the Committee on Roads and Canals, to whom had been referred the bill entitled "an act in relation to Rail Roads," reported the same, with the opinion of the Committee that it ought not to pass.

And the question being, Shall the bill be engrossed and read the third time?

The yeas and nays, being demanded by Mr. Farr, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Bass, Bingham, Butler, Cahoon, Farr, Griswold, Phillips, Scott and Sprague—9.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Briggs, Cutts, Dutton, Field, Green, Harris, Hubbard, Morgan, Munsill, Porter, Plumb, Read, Sabin, Sargeant, Starr, Stone and Thompson—19.

So the bill was lost.

(H. 88.) The Senate took up the House bill on the table, entitled "an act relating to recognizance of sheriffs."

And the third reading thereof was refused.

The following bills from the House of Representatives were severally read the first and second times, and referred as follows :

House bills No. 125, No. 119, No. 3, No. 47, No. 135, No. 112, No. 96, and No. 78, to the Committee on the Judiciary.

House bills No. 130, No. 81, and No. 80, to the Committee on Military Affairs.

House bills No. 126, No. 111, No. 128, No. 127, and No. 64, to the Committee on Claims.

House bills No. 121, No. 122, and No. 105, to the Committee on Finance.

House bill No. 124, to the Committee on Banks.

House bill No. 129, to the Committee on Education.

House bill No. 123, to the Committee on Roads and Canals.

House bill No. 117, to the Committee on Manufactures ; and

House bills No. 54, No. 89, and No. 131 to the select Committees raised on the petition of Lucius H. Cathan.

On motion of Mr. Briggs,

The Senate adjourned.

WEDNESDAY, NOV. 1, 1843.

Prayer by the Chaplain.

On motion of Mr. Briggs, the reading of the journal of yesterday was dispensed with.

(S. 3.) Mr. Butler, from the Committee on the Judiciary, to whom had been referred the bill entitled "an act in amendment of chapter 23 of the Revised Statutes, relating to the arrest of debtors," reported the same adversely, and,

On motion of Mr. Briggs,

It was indefinitely postponed.

(H. 47.) Mr. Sargeant, from the Committee on the Judiciary, to whom had been referred the House bill No. 47, reported the same adversely.

And the third reading thereof was refused.

(H. 119.) Mr. Sargeant, from the same Committee, to whom had been referred the House bill entitled "an act relating to costs in civil actions," reported the same without amendment.

And it was read the third time and passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives have passed a resolution relative to the west gate of the State House Yard, and a resolution relating to the 16th regiment of the militia of this State, in which resolutions they request the concurrence of the Senate.

I am directed to communicate to the Senate, certain resolves of the Legislatures of the States of Georgia and Alabama, on the subject of repudiation and the assumption of State debts, heretofore transmitted to the House of Representatives for the use of the General Assembly, together with the report and resolution thereon from the Committee of the House, and to request the concurrence of the Senate in passing the said resolution.

The resolution from the House of Representatives, providing for the appointment, by the Governor, of a Committee to examine the books, records, &c. of the 16th regiment of the Vermont Militia, was read.

Mr. Cahoon moved to amend the same by striking out the words "16th regiment," and insert in lieu thereof, the words "all the regiments."

And it was so ordered.

And the resolution, as amended, was passed in concurrence.

(H. 3, H. 96.) Mr. Briggs, from the Committee on the Judiciary, to whom had been referred House bills No. 3, and No. 96, reported the same, with the opinion of the Committee that they ought not to pass.

And the third reading of said bills was severally refused.

(H. 125.) Mr. Briggs, from the same Committee, to whom had been referred the House bill entitled "an act fixing the times for holding the County Court in Washington County," reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 112.) Mr. Briggs, from the same Committee, to whom had been referred the House bill entitled "an act to protect the character of women," reported the same, with a proposal to amend the same by striking from the title the words "to protect the character of women," and insert in lieu thereof the words "relating to the action of slander."

And it was so ordered.

And the third reading thereof was, thereupon, refused.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur in passing the resolutions of the Senate on the subject of Slavery and the annexation of Texas to this Union; and they have passed a resolution providing for a suspension of the 13th Joint Rule, and certain others relating to Slavery, in which resolutions they request the concurrence of the Senate.

The resolution of the House of Representatives, providing for a suspension of the 13th Joint Rule until half past 10 o'clock this morning, was read, and,

On motion of Mr. Briggs,

Ordered to lie upon the table.

(H. 124.) Mr. Starr, from the Committee on Banks, to whom had been referred the House bill entitled "an act in relation to the duties of the Bank Commissioner," reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 78.) Mr. Butler, from the Committee on the Judiciary, to whom had been referred the House bill entitled "an act in addition to chapter 81 of the Revised Statutes; in relation to religious and other societies," reported the same, without amendment.

And it was read the third time and passed in concurrence.

(H. 135.) Mr. Butler, from the same Committee, to whom had been referred the House bill entitled "an act relating to the duties of Chancellor," reported the same without amendment.

And the third reading thereof was refused.

(H. 111.) Mr. Cutts, from the Committee on Claims, to whom had been referred the House bill No. 111, reported the same adversely.

And the third reading thereof was refused.

(H. 128.) Mr. Farr, from the Committee on Claims, to whom had been referred the House bill entitled "an act making an appropriation to the Vermont Asylum for the Insane," reported the same, with the opinion of the Committee that it ought to pass.

And it was read the third time and passed in concurrence.

(H. 130.) Mr. A. Allen, from the Committee on Military Affairs, to whom had been referred the House bill entitled "an act in relation to military fines," reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 126.) Mr. Plumb, from the Committee on Claims, to whom had been referred the House bill No. 126, reported the same adversely.

And the third reading thereof was refused.

(H. 105.) Mr. Camp, from the Committee on Finance, to whom had been referred the House bill entitled "an act extending the time for the payment of a debt due the State from Amos Wilkins and Eli Hinds Jr.," and the House bill (H. 122,) entitled "An act in addition to "an act relating to public accounts," approved Nov. 12, 1842," reported the same respectively, with the opinion that they ought to pass.

And they were severally read the third time and passed in concurrence.

(H. 81.) Mr. Thompson, from the Committee on Military Affairs, to whom had been referred the House bill entitled "an act to pay Simeon Herrick the sum therein mentioned," reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 129.) Mr. Sabin, from the Committee on Education, to whom had been referred the House bill entitled "an act in addition to chapter 18 of the Revised Statutes, relating to common schools," reported the same without amendment.

And it was read the third time and passed in concurrence.

Mr. Cahoon, from the select Committee, to whom had been referred the report of Governor Paine in relation to the Deaf and Dumb, the Insane Poor, and the Blind, made the following report (see Appendix,) accompanied by the following resolution:

Resolved, by the Senate and House of Representatives, that the Governor be requested to appoint a Committee to devise the best means of alleviating the unfortunate condition of the insane who are deemed incurable, and report to the next General Assembly, by bill or otherwise.

And the said resolution was read and passed.

(H. 90.) Mr. Cutts called up the House bill on the table entitled "an act to pay Edward G. Babcock the sum therein mentioned."

And the question being, Shall the bill pass?

The yeas and nays, being demanded by Mr. Butler, were as follows:

Those Senators who voted in the affirmative are,
Messrs. A. Allen, Briggs, Cahoon, Cutts, Field, Green, Griswold, Harris, Hubbard, Morgan, Munsill, Plumb, Read, Sabin, Sargeant, Sprague, Starr, Stone and Thompson—20.

Those Senators who voted in the negative are,
Messrs. E. Allen, Bass, Butler, Camp, Farr, Mott and Scott—7.
So the bill passed in concurrence.

Mr. Munsill, from the Committee on Finance, to whom had been referred the report of the Auditor in the Treasury on the School Fund, and that portion of the Governor's message which relates to the subject of education, reported that, in the opinion of the Committee, no legislative action is required thereon.

Mr. Thompson, from the select Committee on the petition of Lucius H. Cathan, to whom had been referred the House bills entitled
(H. 54.) "An act to alter the name of Harriet Wilson,"
(H. 59.) "An act to alter the name of Nancy Taylor Johnson," and
(H. 131.) "An act constituting Hosea B. Dix heir at law of Susan Dix," reported the same without amendment.

And they were severally read the third time and passed in concurrence.

Mr. Briggs, from the select Committee raised on the report of Henry Stevens, relative to the Revolutionary claims of Vermont on the General Government, made the following report (see Appendix,) accompanied by the following resolution, which was read and passed:

Resolved, by the Senate and House of Representatives, that the Governor of this State be requested to make, or cause to be made, an examination of the papers and correspondence collected by Henry Stevens Esq., relating to the early and Revolutionary history of this State, and to take such measures as he shall judge will be most beneficial to the interests of the State in procuring and preserving the same.

(H. 1.) Mr. A. Allen called up the House bill on the table entitled "an act to repeal an act in relation to the militia."

And the question being, Shall the bill be read the third time and passed?

The yeas and nays, being demanded by Mr. Farr, were as follows:

Those Senators who voted in the affirmative are,

Messrs. Bass, Farr and Phillips—3.

Those Senators who voted in the negative are,

Messrs. A. Allen, E. Allen, Bingham, Briggs, Butler, Camp, Cutts, Green, Griswold, Harris, Hubbard, Morgan, Mott, Munsill, Porter, Read, Sabin, Sargeant, Scott, Sprague, Starr, Stone and Thompson—23.

So the third reading was refused.

On motion

The Senate adjourned.

AFTERNOON.

Mr. E. Allen, from the select Committee raised on the reports of the Secretary of State, the Secretary of the Senate, and the Clerk of the

House of Representatives, and of the Auditor of Accounts, made in pursuance of resolutions of the Senate, made the following report: (See Appendix.)

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have considered the amendments of the Senate to the House bills entitled

(H. 68.) "An act relating to imprisonment of debtors," and

(H. 2.) "An act in relation to the granting of licences to retailers of spirituous liquors."

(S. 2.) The House concur with the Senate in passing the bill entitled "an act in addition to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children;'" and do not concur in the amendment of the Senate to the House bill (H. 91,) entitled "an act providing for the collection of taxes assessed on real estate."

(S. 5.) The House have considered the Senate bill entitled "an act relating to assignments," and have resolved to pass the same with an amendment, in which they request the concurrence of the Senate.

Mr. Field, from the Committee on Roads and Canals, to whom had been referred the petition of inhabitants of Bellows Falls, reported the same, with the opinion that no legislative action is expedient thereon.

(S. 12.) Mr. Porter, from the Committee on Manufactures, to whom had been referred the bill entitled "an act to prevent frauds in the sale of leather; in alteration of chapter 68 of the Revised Statutes," reported the same adversely.

And the third reading thereof was refused.

(H. 117.) Mr. Porter, from the same Committee, to whom had been referred the House bill entitled "an act in addition to an act incorporating Norwich University," reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 80.) Mr. A. Allen, from the Committee on Military Affairs, to whom had been referred the House bill entitled "an act relating to Engine Company No. 3, in Burlington," reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 123.) Mr. Griswold, from the Committee on Roads and Canals, to whom had been referred the House bill entitled "an act granting a ferry to Harry Hill," reported the same without amendment.

And it was read the third time and passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the resolution relating to the Insane.

(S. 33.) The House have considered the Senate bill entitled "an act relating to repairs of bridges," and have resolved to pass the same, with an amendment, in which they request the concurrence of the Senate.

The House concur with the Senate in passing the Senate bills entitled (S. 22.) "An act altering the names of persons therein mentioned,"

(S. 38.) "An act construing the 7th section of the act in relation to the militia, approved Nov. 12, 1842,"

(S. 16.) "An act to incorporate the Champlain and Connecticut River Rail Road Company,"

(S. 31.) "An act to encourage and promote agriculture,"

(S. 8.) "An act relating to the settlement of estates,"

(S. 29.) "An act relating to process," and

(S. 37.) "An act repealing section 9, of chapter 33 of the Revised Statutes."

(H. 17.) The House have considered the amendment of the Senate to the House bill entitled "an act relating to the sale of property on execution," and have resolved to concur therein.

Mr. Green, from the select Committee, to whom was referred the petition of inhabitants of Benson, reported the same, with the opinion that the prayer thereof ought not to be granted, and recommended that the petitioners have leave to withdraw their petition.

And the leave was granted.

(H. 121.) Mr. Munsill, from the Committee on Finance, to whom had been referred the House bills entitled "an act making appropriations for the support of Government," and

(H. 93.) "An act authorizing the Treasurer to borrow the sum therein mentioned," reported the same without amendment.

And they were severally read the third time and passed in concurrence.

(S. 33.) The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "an act relating to repairing bridges," which is as follows:

Add to the bill:—"Provided, nevertheless, that the authority herein granted shall not be exercised by the selectmen of any town in this state, unless the town to which such selectmen belong shall, at their annual March meeting, by vote, confer such power on their selectmen."

And it was resolved not to concur therein.

(H. 108.) The Senate took up the House bill on the table, entitled "an act for the protection of personal liberty."

Mr. Sabin moved to amend the same by inserting the following proviso after section 5, to wit:

Provided, that this act shall not be construed to extend to any citizen of this state acting as a Judge of the Circuit or District Court of the United States, or as Marshal or deputy Marshal of the District of Vermont, or to any person acting under the command or authority of said Courts or Marshal.

And it was so ordered.

And the question being, Shall the bill pass?

The yeas and nays, being demanded by Mr. Camp, were as follows:

Those Senators who voted in the affirmative are,
Messrs. Bass, Bingham, Green, Griswold, Harris, Mott, Munsill, Read, Sabin, Sargeant, Scott, and Starr—13.

Those Senators who voted in the negative are,
Messrs. A. Allen, Camp, Cutts, Morgan, Porter, Sprague, Stone and Thompson—8.

So the bill, as amended, was passed in concurrence.

(S. 5.) The Senate proceeded to consider the amendment of the House of Representatives to the bill entitled "an act relating to assignments."

And it was resolved to concur therein.

(H. 91.) The Senate further considered their amendments to the House

bill entitled "an act providing for the collection of taxes assessed on real estate."

And resolved to insist on the same.

The Resolution from the House of Representatives relative to keeping open the West Gate of the State House yard, was read, and the passage refused.

The Senate took up the resolutions from the Legislatures of Georgia and Alabama, relative to Repudiation and the assumption of State Debts, together with the resolution of the House of Representatives thereon.

And they were referred to the Committee on Finance, who reported the same, with the opinion of the Committee that no legislative action is required thereon.

And the resolution was

Ordered to lie upon the table.

The Senate proceeded to consider the resolutions from the House of Representatives, relative to Slavery.

And, on motion of Mr. Camp, they were

Ordered to lie upon the table.

(H. 127.) Mr. Farr, from the Committee on Claims, to whom had been referred the House bill entitled "an act to pay Isaiah Matteson the sum therein mentioned," reported the same without amendment.

And it was read the third time and passed in concurrence.

(H. 64.) Mr. Farr, from the same Committee, to whom had been referred the House bill entitled "an act to pay Richard F. Abbot the sum therein mentioned," reported the same, with an amendment, which was adopted.

And the third reading thereof was refused.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives concur with the Senate in passing the following Senate bills:

(S. 35.) "An act relating to the sale of property on *mesne process*, in addition to chapter 28 of the Revised Statutes;" and

(S. 23.) "An act in addition to an act in relation to the militia."

(S. 36.) And also the bill entitled "an act relating to the grand list, in alteration of an act approved Nov. 11, 1841," with an amendment, in which they request the concurrence of the Senate.

(H. 108.) The House have considered the amendments of the Senate to the House bill entitled "an act for the protection of personal liberty," and have resolved to concur therein.

(S. 33.) The House have further considered their amendment to the Senate bill entitled "an act relating to repairs of bridges," and resolve to insist thereon; and the amendments of the Senate to the House bill (H. 91,) entitled "an act providing for the collection of taxes assessed on real estate," and resolve to insist on their disagreement thereto.

The House have passed a resolution relative to vouchers in the offices of the Treasurer and the Auditor of Accounts, and a resolution relative to repairing the West Wing of the State House, and request the concurrence of the Senate therein.

The House have considered the resolution from the Senate relative to Revolutionary papers and correspondence collected by Henry Stevens, and resolve to pass the same with an amendment, in which they request the concurrence of the Senate.

(H. 87.) Mr. A. Allen called up the House bill on the table entitled "an act in addition to the several acts regulating the militia."

And the third reading thereof was refused.

(S. 36.) The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "an act relating to the grand list; in alteration of an act approved Nov. 11, 1841."

And it was resolved to concur therein.

The resolution from the House of Representatives, directing the destruction of certain vouchers in the offices of the Treasurer and Auditor of Accounts, was taken up, read, and the passage thereof refused.

Mr. Briggs, from the Committee on the Judiciary, to whom had been referred the resolutions of New Jersey relating to repudiation of State Debts, reported the same (see Appendix,) with the following resolutions:

Resolved, by the Senate and House of Representatives of the State of Vermont, that this State has no sympathies with that legislation which violates the pecuniary obligations of a State, and takes shelter under State sovereignty, to evade the force of those obligations; that such a course is a violation of that good faith, and high moral principle, which should regulate the conduct alike of governments and individuals.

Resolved, That His Excellency the Governor be requested to transmit a copy of the foregoing resolution to the Executives of New Jersey and the several other States.

And the said resolutions were read and passed.

Mr. Briggs, from the same Committee, to whom had been referred the resolutions of the Legislature of Massachusetts, "concerning French depredations on American commerce previous to the Convention of 1800," reported the same with the opinion that no legislative action thereon is expedient.

The resolution from the House of Representatives, relative to repairing the West Wing of the State House, was read and passed in concurrence.

(S. 33.) The Senate proceeded further to consider the amendment of the House of Representatives to the bill entitled "an act relating to repairs of bridges."

And it was resolved to insist on their disagreement thereto.

The Senate considered the amendment of the House of Representatives to the resolution of the Senate relating to Revolutionary papers and correspondence collected by Henry Stevens, which is as follows:

Strike out the last two words of the resolution, to wit, the words "the same," and insert "said papers and correspondence, together with all such revolutionary rolls as have been collected by said Stevens; and also two brass cannon taken from the British army at Bennington in this State, and now at the city of Washington."

And it was resolved to concur therein.

(H. 91.) The Senate further considered their amendment to the House bill entitled "an act providing for the collection of taxes assessed on real estate."

And it was resolved to adhere thereto.

And, on motion of Mr. Sprague,

The Secretary was directed to request a free conference on the disagreeing votes of the two Houses thereon.

And Mr. Sprague, Mr. Camp, and Mr. Cahoon, were appointed managers at the same, on the part of the Senate.

On motion

The Senate adjourned.

EVENING.

Mr. Thompson, from the Committee on Bills, made the following report:

The Committee on bills report that they did, this afternoon, present to the Governor for his approval and signature, the following entitled bills:

(H. 107.) "An act altering the name of the town of Orleans to that of Coventry."

(H. 82.) "An act for the relief of the town of Glastenbury."

(S. 38.) "An act construing the 7th section of the act in relation to the militia, approved Nov. 12, 1842."

(S. 22.) "An act altering the names of persons therein mentioned."

(S. 2.) "An act in addition to chapter 67 of the Revised Statutes, entitled 'of the maintenance of illegitimate children.'"

(H. 2.) "An act in relation to the granting of licences to retailers of spirituous liquors."

(H. 54.) "An act to alter the name of Harriet Wilson."

(H. 125.) "An act fixing the times of holding the County Courts in Washington County."

(H. 80.) "An act relating to Engine Company No. 3, in Burlington."

(H. 81.) "An act to pay Simeon Herrick the sum therein mentioned."

(H. 105.) "An act extending the time for the payment of a debt due the State from Amos Wilkins and Eli Hinds Jr."

(H. 124.) "An act in relation to the duties of the Bank Commissioner."

(H. 122.) "An act in addition to 'an act relating to public accounts, approved Nov. 12, 1842.'"

(H. 130.) "An act in relation to military fines."

(H. 78.) "An act in addition to chapter 81 of the Revised Statutes, in relation to religious and other societies."

(H. 68.) "An act relating to imprisonment of debtors."

(S. 37.) "An act relating to new trials."

(S. 16.) "An act to incorporate the Champlain and Connecticut River Rail Road Company."

(S. 8.) "An act relating to the settlement of estates."

(S. 31.) "An act to encourage and promote agriculture."

(S. 29.) "An act relating to process."

(H. 117.) "An act in addition to 'an act incorporating the Norwich University.'"

(H. 89.) "An act to alter the name of Nancy Taylor Johnson."

(H. 119.) "An act relating to costs in civil actions."

(H. 90.) "An act authorizing a change of venue in cases in the County Court."

(H. 121.) "An act making appropriation for the support of Government."

(H. 129.) "An act in addition to chapter 18, of the Revised Statutes, relating to common schools."

(H. 128.) "An act making an appropriation to the Vermont Asylum for the Insane."

(H. 127.) "An act to pay Isaiah Matteson the sum therein mentioned."

(H. 123.) "An act granting a ferry to Harry Hill."

(H. 93.) "An act authorizing the Treasurer to borrow the sum therein mentioned."

(H. 131.) "An act constituting Hosea B. Dix heir at law of Susan Dix."

Mr. Briggs called up the resolution from the House of Representatives providing for a suspension of the 13th Joint Rule, and moved to amend the same by inserting in lieu of "half past 10 o'clock this morning," the words "eight o'clock this evening."

And it was so ordered.

And the resolution, as amended, was lost.

On motion of Mr. Briggs,

(H. 135.) The Secretary was directed to request of the House of Representatives to return to the Senate the House bill entitled "an act relating to the duties of Chancellor," which had been non-concurred in by the Senate.

(H. 92.) Mr. Munsill, from the Committee on Finance, to whom had been referred the House bill entitled "an act assessing a tax for the support of Government," reported the same without amendment.

Mr. Cahoon moved to amend the same by inserting before the word "cents" the word "twelve," in lieu of the word "ten."

And the amendment was rejected.

And the bill was read the third time and passed in concurrence.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

Mr. PRESIDENT:—The House of Representatives have passed a resolution relative to the services of the militia and volunteers of this State in the battle of Plattsburgh, in which they request the concurrence of the Senate.

(H. 135.) I am directed, in conformity with their request, to return to the Senate the House bill entitled "an act relating to the duties of Chancellors."

(S. 10.) The House have considered the Senate bills entitled "an act to pay William Maxham the sum therein mentioned," and

(S. 28.) "An act in amendment of an act in relation to the militia," and resolve to pass the same, with amendments, in which they request the concurrence of the Senate.

(H. 91.) The House have further considered the amendments of the Senate to the bill entitled "an act providing for the collection of taxes assessed on real estate," and resolve to adhere to their disagreement; and agree to the free conference requested by the Senate on the disagreeing votes of the two Houses on said amendment, and have appointed Mr. Whittemore, Mr. Vilas, and Mr. Hibbard, managers at the same, on their part.

The Senate proceeded to consider the resolution from the House of Representatives, relative to procuring from the United States Government

remuneration for the services of the militia and volunteers of this State in the battle of Plattsburgh.

And it was passed in concurrence.

(H. 135.) On motion of Mr. Briggs, the vote refusing the third reading to the House bill entitled an act relating to the duties of Chancellor, was reconsidered.

And the bill was read the third time and passed in concurrence.

(S. 28.) The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "an act in amendment of an act in relation to the militia," which are as follows:

Insert in section 6, after the words "ministers of the gospel," the words "members of the religious denomination of quakers;" and add to the bill as follows:

"Section 22. The clerk of each company shall, on or before the second Tuesday in June annually, make return of the name of each member of said company who shall be fully uniformed and equipped, to the clerk of the town where such member resides."

And it was resolved to concur in adopting said amendments.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives have further considered their amendment to the Senate bill (S. 33,) entitled "an act relating to repairs of bridges," and have resolved to adhere thereto.

The House concur with the Senate in passing the resolutions relative to repudiation of State Debts; and have passed a resolution relative to the debentures of officers of the Senate and House of Representatives who are appointed by the Sergeant-at-Arms, in which they request the concurrence of the Senate.

(S. 10.) The Senate proceeded to consider the amendment of the House of Representatives to the bill entitled "an act to pay William Maxham the sum therein mentioned," which is as follows:

Strike out the words "and interest on the same amounting to \$7.38."

And it was resolved to concur therein.

The resolution from the House of Representatives relative to the debentures of officers appointed by the Sergeant-at-Arms, was read and passed in concurrence.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to inform the Senate that he has this day approved and signed Senate bills No. 37, No. 38, No. 29, No. 2, No. 8, No. 31, No. 22, and No. 16.

(S. 33.) The Senate proceeded further to consider the amendment of the House of Representatives to the bill entitled "an act relating to repairs of bridges."

And resolved to adhere to their disagreement thereto.

So the bill was lost.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House have passed certain resolutions relative to the existing Tariff; a resolution relative to the fine imposed on Gen. Jackson by Judge Hall; and a resolution providing for a suspension of

the 13th Joint Rule, in each of which they request the concurrence of the Senate.

The Resolutions from the House of Representatives relative to the existing Tariff, were read.

Mr. Farr moved that they be laid on the table.

Which motion was lost.

And they were, thereupon, passed in concurrence.

(H. 91.) Mr. Sprague, from the Committee of free conference on the disagreeing votes of the two Houses, on the House bill entitled "an act providing for the collection of taxes assessed on real estate," reported that they had met the conferees on the part of the House of Representatives, and that they had agreed that the said conferees on the part of the House should recommend to the House of Representatives to recede from their disagreement to the amendment of the Senate.

The Senate took up the resolution from the House of Representatives, providing for a suspension of the 13th Joint Rule until 11 o'clock this evening.

And it was read and passed in concurrence.

Mr. Scott, from the Committee on Bills, made the following report :

The Committee on Bills report that they have, this day, presented to the Governor for his approval and signature, bills of the following titles :

(S. 36.) "An act relating to the grand list, in alteration of an act approved Nov. 11, 1841."

(H. 92.) "An act assessing a tax for the support of Government."

(H. 135.) "An act relating to the duties of Chancellors."

(H. 108.) "An act for the protection of personal liberty."

(H. 17.) "An act relating to the sale of property on execution."

(S. 35.) "An act relating to the sale of property on *mesne process*, in addition to chapter 28 of the Revised Statutes."

(S. 5.) "An act relating to assignments."

(S. 23.) "An act in addition to an act in relation to the militia."

(S. 10.) "An act to pay William Maxham the sum therein mentioned."

(S. 28.) "An act in amendment of an act in relation to the militia."

A message from the House of Representatives, by Mr. Merrill, their Clerk :

MR. PRESIDENT:—The House of Representatives have passed a bill (H. 133,) entitled "an act relating to the Bank of Poultney," in which they request the concurrence of the Senate.

(H. 91.) The House have adopted the report of the Committee of free conference on the disagreeing votes of the two Houses on the bill entitled "an act providing for the collection of taxes assessed on real estate," and recede from their disagreement to the amendment of the Senate, and have resolved to concur therein.

The Senate proceeded to consider the resolutions from the House of Representatives (see House Journal,) relative to the repayment of the fine imposed by Judge Dominick Hall, on General Jackson.

And they were read.

Mr. Caboon moved that the said resolutions be indefinitely postponed.

And on this question, Mr. Butler demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,

Messrs. Bass, Butler, Cahoon, Farr, Griswold, Scott and Sprague—7.
Those Senators who voted in the negative are,
Messrs. A. Allen, E. Allen, Briggs, Cutts, Field, Green, Hubbard, Porter, Plumb, Read, Sabin, Sargeant and Stone—13.
So the motion was lost.

Mr. Cahoon moved that the said resolutions be laid on the table.
Which motion was rejected.

And the question being, Will the Senate pass the resolutions in concurrence?

The yeas and nays, being demanded by Mr. Farr, were as follows:

Those Senators who voted in the affirmative are,
Messrs. A. Allen, E. Allen, Briggs, Cutts, Field, Green, Hubbard, Porter, Plumb, Read, Sabin, Sargeant and Starr—13.

Those Senators who voted in the negative are,
Messrs. Bass, Butler, Cahoon, Farr, Griswold, Scott and Sprague—7.
So the resolutions were passed in concurrence.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to inform the Senate that he has this day approved and signed Senate bills No. 5, No. 36, No. 35, No. 10, and No. 23.

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—The House of Representatives do not concur in passing the bills from the Senate entitled

(S. 14.) "An act in amendment of an act approved Nov. 12, 1842, relating to advertisement of lands to be sold for taxes," and

(S. 39.) "An act relating to the first and second Judicial Circuits."

His Excellency the Governor has announced to the House that he has this day approved and signed the following House bills:—No. 92, No. 135, No. 108, No. 2, No. 121, No. 90, No. 130, No. 128, No. 78, No. 54, No. 82, No. 122, No. 81, No. 129, No. 124, No. 89, No. 127, No. 105, No. 68, No. 80, No. 119, No. 107, No. 117, No. 125, No. 98, No. 123, and No. 131.

(S. 6.) The House do not concur with the Senate in passing the bill entitled "an act relating to the punishment of capital crimes."

Mr. Cahoon presented the following resolution:

Resolved, That the thanks of the Senate be cordially tendered to His Honor, Horace Eaton, for the able, impartial and courteous manner, in which he has discharged the duties of its presiding officer during the present session of the General Assembly.

And it was read and unanimously passed.

Whereupon the President addressed the Senate as follows:

Gentlemen of the Senate,—

While I am constrained to regard the expressions of kindness just tendered me as the tribute of generosity rather than of justice, I feel bound to return you for it my most cordial acknowledgements; for although undeserved, I cannot doubt that it is heartfelt and sincere. In the adoption of the resolution which you have just passed, there is implied a readiness on your part to overlook my errors, and I too will pass them by, with the bare remark that I am conscious they have not been few.

I have received from you, gentlemen, during the session, all that generous aid which I presumed to anticipate; and I trust the magnanimity and

kindness which prompted you to render it, are duly appreciated, and will be long and gratefully remembered.

To speak now of yourselves more especially, irrespective of your relations to your presiding officer, permit me to say, that in the gentlemanly character of your intercourse with each other, in the elevation of the motives by which you have seemed to be actuated, and in the ability with which you have transacted the business of the session, if my judgment may pass for aught, you may well and justly claim to have maintained the dignity and preserved the honor of the body of which you are members. The last moments of the session are passing away, and the Senate of Vermont is yet without reproach—its history still without a stain.

May I not indeed say more than this, without transgressing the limits of strict truth and justice? During the session, various interesting and important subjects have come under your consideration, in the discussion of which, there have been exhibited, on repeated and numerous occasions, (unless some partiality of feelings has strangely blinded my judgment,) an ability in debate, a force of argument and a warmth of eloquence, which I have scarcely known equaled in this Senate chamber, and which I believe would do credit to the deliberative assemblies of any state in the Union. At all events, I cannot but think they have added to the honor of our own. And amidst the warmth and zeal which these occasions of intellectual strife have excited, there have been exhibited a dignity, an urbanity, and an exemption from all appearance of personal animosity, which might serve as an example for other legislative bodies of higher claims and loftier pretensions.

And there is one other characteristic feature of the present Session, which I apprehend must stand prominent on its records, and which I have already alluded to; but I cannot forbear to notice it more particularly. I mean, its freedom from the appearances of party movement for mere party purposes. The members of this Senate have seemed to me to be aiming at nobler ends, and to be influenced by higher and worthier considerations. Could we see the like exhibited in the Councils of our Nation, we might hope that a brighter day was dawning upon our Country. From your demeanor in these respects, I have derived a fresh guarantee for the truth of the sentiment which I have long been proud and happy to maintain, that the stern and unconquerable love of freedom, which has characterized our "Green Mountain State" from its earliest history, was not a mere untameable impatience of the restraints of law, pursuing only its own selfish purposes,—but an elevated and patriotic principle, aiming at far higher and holier ends—the promotion of public good, and the advancement of a people's happiness.

I do not consider, gentlemen, that an occasion like the present, demands, as a matter of course, such commendations as I have presumed to speak; and being *gratuitous*, they would not have been uttered, had I not deemed that the truth would justify them, or rather, that justice demanded them; and had I not believed, too, that those of you who are most experienced, would most amply sustain my opinions, and fully clear me from the charge of lavishing unmerited eulogy.

My intercourse with you, gentlemen, during the short season for which we have been associated together, has been pleasant and gratifying; and for your generosity to me during the Session, as well as for this renewed pledge of kindly feelings at its close, I again tender you my warmest thanks. To say merely that I entertain towards each of you feelings of high respect and esteem, would be but an inadequate discharge of the obligations

under which I am laid; and it were language too, too cold to satisfy the promptings of my heart. And at this hour of separation, when cold and rigid formality may be in some measure laid aside, I will so far yield to those promptings as to assure you, that I believe the friendly sentiments which I cherish towards the members of this Senate, and the gratitude which I feel for all their kindness, will not prove the mere transient emotions of an hour—awakened into existence by the impulse of a softening moment, and doomed to pass away with the occasion which gave them birth;—but rather that they are destined to be treasured up with other cherished friendships—other precious and endearing remembrances of the past, which will cling to my heart until its pulsations shall flag in the decrepitude of age, or the approach of dissolution.

Your duties to the state, for the session, being brought to a close, may a kind and beneficent Providence bear you safely to your firesides and your homes.

(H. 91.) Mr. Scott, from the Committee on Bills, reported that they had this day submitted to His Excellency the Governor, for his approval and signature, the House bill entitled “an act providing for the collection of taxes assessed on real estate.”

On motion of Mr. Briggs, it was

Ordered, That when the Senate adjourn, it will adjourn to meet to-morrow morning at half past 6 o'clock.

On motion

The Senate adjourned.

THURSDAY, NOV. 2, 1843.

Prayer by the Chaplain.

The reading of the journal of yesterday was dispensed with.

(S. 133.) The Senate proceeded to consider the bill from the House of Representatives entitled “an act relating to the Bank of Poultney.”

And it was read the first and second times, the rule requiring a reference suspended, and read the third time.

And the question being, Shall the bill pass?

Mr. Munsill demanded the yeas and nays, which were as follows:

Those Senators who voted in the affirmative are,

Messrs. A. Allen, Bingham, Butler, Cutts, Griswold, Porter, Plumb, Sabin and Scott—9.

Those Senators who voted in the negative are,

Messrs. Cahoon, Farr, Green, Hubbard, Munsill, Sprague and Starr—7.

So the bill was passed in concurrence.

Mr. Starr moved that a message be sent to His Excellency the Governor, apprising him that the Senate have, on their part, completed the business of the Session, and are ready to adjourn *sine die*.

And it was so ordered, and Mr. Starr appointed by the President to communicate the message.

The Secretary was directed to communicate a like message to the House of Representatives.

Mr. Starr reported that he had performed the service assigned to him.

(H. 133.) Mr. Scott, from the Committee on Bills, reported that they had, this day, submitted to the Governor, for his approval and signature, the bill entitled "an act relating to the Bank of Poultney."

A message from the House of Representatives, by Mr. Merrill, their Clerk:

MR. PRESIDENT:—His Excellency the Governor has announced to the House of Representatives, that he did, yesterday, approve and sign the House bill No. 91, and that he has, this day, approved and signed House bills No. 133, and No. 17.

I am directed to inform the Senate that the House of Representatives have, on their part, completed the business of the session, and are ready to adjourn without day.

A message from His Excellency the Governor, by Mr. Hale, Secretary of Civil and Military Affairs:

MR. PRESIDENT:—I am directed by the Governor to announce to the Senate that he did, yesterday, approve and sign the bill (S. 28,) entitled "an act in amendment of an act in relation to the militia;" and, also, to inform the Senate, that he has no farther communication to make to them.

Whereupon

The President adjourned the Senate *sine die*.

D. W. C. CLARKE,
Secretary of the Senate.



APPENDIX.



TO THE AUDITOR OF ACCOUNTS, OF THE STATE OF VERMONT.

The undersigned, Auditor in the Treasury, having "audited, examined and settled all the accounts in the Treasury Department, with the Treasurer," for the current year, submits the following report.

The State of Vermont in account with JOHN SPALDING, Esq., Treasurer :

	Dr.
To Cash paid	
Debiture of General Assembly,	\$17,270 65
Debiture of Convention,	6,320 61
Gov. Paine, balance of last and part of present year's salary,	375 00
Judges of the Supreme Court part of last and present year's salary,	6,513 63
John Spalding, Treasurer, and Commissioner of the School Fund,	500 00
J. McM. Shafter, Secretary of State, half year's salary,	137 50
C. L. Knapp, Assistant Secretary, one half of last year's salary of Secretary of State,	137 50
F. F. Merrill, one half of last year and one half of the present year's salary,	275 00
A. L. Brown, Assistant Clerk, one half of last year's salary,	62 50
J. Poland, Assistant Clerk, one half year's salary,	62 50
D. W. C. Clarke, Secretary of the Senate, one half of last and one half of the present year's salary,	250 00
E. A. Stansbury, Assistant Secretary of Senate, one half of last and one half of this year's salary,	125 00
H. Hale, Secretary of Civil and Military Affairs, remainder of last and part of present year's salary,	150 00
Oel Billings, one half of last year's salary as Engrossing Clerk,	75 00
A. L. Brown, Engrossing Clerk, one half year's salary,	75 00
A. W. Kinney, Librarian, one half year's salary,	50 00

APPENDIX.

To cash paid William Weston, reporter of decisions of Supreme Court, one fourth of last and three fourths of this year's salary,	450 00
D. Pierce, Auditor of Accounts, one year's salary,	150 00
F. W. Hopkins, Adjutant and Inspector General, one year's salary,	250 00
Wm. T. Burnham, Sargeant-at-Arms, last year and one half of the present year's salary,	225 00
Supreme and County Court orders,	18,509 78
Auditor's orders,	13,262 42
Commissioners of deaf, dumb and blind,	2,839 55
Drafts of Adjutant General, and Commandants of Regiments, expenses of drills,	3,500 50
Claims against State Prison, by special act of 1842,	14,991 26
Other special appropriations by acts of Legislature,	2,103 17
Fox certificates,	400 85
Bear and cub do.,	269 00
Wolf do.,	20 09
Cocoon and silk premiums,	1,786 17
Cash loaned on account of Safety Fund,	2,000 50
Ditto on account of School Fund,	957 10
Clerks of Courts for Court expenses,	13,279 92
Interest to Safety Fund Banks,	5,926 95
Two acceptances of former Treasurer of \$2,000 each in favor of Trustees of the Asylum for the Insane,	4,000 00
Interest on, ditto,	120 00
" on loan to A. Willard,	184 93
" on loan, to Bank of Burlington,	120 00
Note to J. R. Langdon, in part,	2,000 00
Sundry towns interest on surplus money, to Oct. 1st, 1842:	
Williston,	\$211 98
Marlboro',	87 57
Vergennes,	135 46
St. George,	17 11
Lemington,	20 30
Victory,	10 63
Canaan,	50 44
Concord,	137 94
Woodford,	58 91
	730 34
Surplus money to Bloomfield,	52 38
Sundry sums of money borrowed, to wit:	
Of Bank of Montpelier, \$2,000 00	
Middlebury, 3,000 00	
Vergennes, 3,000 00	
Caledonia, 3,000 00	
Burlington, 3,000 00	
Brattleboro', 3,000 00	
	17,000 00

APPENDIX.

5

To cash paid interest on sundry sums of money borrowed,		610 33	
Balance in the Treasury,		12,666 46	
			<u>\$150,856 00</u>
			Cr.
By balance in the Treasury on the 30th Sept., 1842,		\$9,368 50	
cash received for taxes, principal,	\$90,124 93		
interest on arrearages of taxes,	1,009 65	91,134 58	
interest of South Hero on surplus fund,		5 99	
surplus money of South Hero,		189 33	
of Barnard,		100 00	
cash received of D. Pierce for sale of land,		116 85	
of United States distribution of public lands,		10,213 61	
of States Attorneys,		4,603 31	
of Clerks of Courts,		544 98	
on debenture accounts for fees received in civil suits,		1,794 95	
borrowed of Banks, to wit:			
of Bank of Caledonia,	\$3,000 00		
Burlington,	3,000 00		
Montpelier,	2,000 00		
Vergennes,	3,000 00		
Middlebury,	3,000 00		
Brattleboro',	3,000 00		
			17,000 00
Safety Fund bank taxes,	\$2,812 50		
Interest on Safety Fund notes,	178 98		
			2,991 48
Collections on Safety Fund notes,	\$6,483 72		
Interest on same,	1,650 14		
			8,133 86
Bank taxes on dividend, for School Fund,	\$3,219 56		
Pedler's licenses,	1,439 00		
			4,658 56
			<u>\$150,856 00</u>

Which is respectfully submitted,

JOSEPH BERRY, *Auditor.*

September 15th, 1843.

 REPORT OF THE AUDITOR UPON THE SCHOOL FUND.

The Auditor in the Treasury, having audited the accounts of the Commissioner of the State School Fund, submits the following, as his annual report thereof and of the fund and all matters relating to it.

Said fund now amounts to the sum of		\$200,234 95
and is constituted of the following items, to wit:		
Amount of School Fund, Sept. 30th, 1842,	\$184,942 22	
Interest thereon the current year,	10,634 17	
Amount received from Bank dividends,	3,219 56	
" " " Pedlers' Licences,	1,439 00	
		200,234 95
Of said fund the State is charged with the sum of	173,154 00	
Amount of outstanding loans to individuals on notes,	24,983 29	
Interest estimated thereon,	2,097 66	
		\$200,234 95

Which is respectfully submitted,

JOSEPH BERRY, Auditor.

September 15th, 1843.

REPORT OF HENRY STEVENS.

To His Excellency, the Governor of the State of Vermont:

Having been appointed by your predecessor, a commissioner to investigate the facts, and ascertain whether this State has a just claim upon the government of the United States for expenses incurred during the Revolutionary War, I reported to him in part, as by the inclosed. I now desire further to report to your Excellency as to my doings, and conclusions to which I have arrived:

Firstly, I call your Excellency's attention to my report made to your predecessor, as to the deficiency in our first records, both on the part of the Council and House of Representatives. When Mr. Fay, Secretary of State A. D. 1788, recorded from manuscripts our first volume of records now in the State Department, blank pages were left, with his certificate assigning a reason why they were not recorded. This deficiency of records, I have recovered, with few exceptions. The year past I visited Hon. Ira H. Allen, and was presented with all the documents and manuscript papers of a public nature, left by his honored father. Among these papers, I found many of the doings of the Council of Safety, previous to the 15th of August A. D. 1777 (of which we have no record,) and afterwards to February A. D. 1779. I also found the pay rolls and manuscript Journals of the Assembly of March, June and October 1778, as well as several manuscript laws, duly certified, of those three sessions, which were never recorded.

I here found many original letters received, and copies sent by the Cabinet of this State, to the President of the Continental Congress, General Washington, Governors of the New England States, and the Governor of New York, as well as the correspondence to and from the British Commanding General in Canada, and his commissioners. Much of this correspondence was of a confidential nature and of the utmost importance, so far as relates to the independence of this State at the time, as well as to the success of the American arms. The Commanding General of the American armies did, upon recommendation of General Benjamin Lincoln, send his Commissioner to consult with the Cabinet of the Green Mountain Boys as to their ability so to manage as to keep the British army (from seven to ten thousand) in Canada and at Ticonderoga and Crown Point. The Commanding General became satisfied of our ability so to do, and was thereby enabled to make such distribution of the continental troops as frustrated the designs of the enemy, and by this negotiation was enabled to draw several regiments from the eastern and northern to the southern department, and was thereby enabled to capture Lord Cornwallis's army A. D. 1781. Strange as it may appear, the Commanding General of the American army, through his Commissioner and General Lincoln, consulted with the Cabinet Council of the Green Mountain Boys at the period alluded to. Yet it is a fact now not to be denied. I am fully

justified when I say this important negotiation, between the Commanding General and the Cabinet Council of this State, was not made known to the Governors or Assemblies of the N. England States or New York, nor the commanding officers of the northern or eastern departments, or to Congress.

This negotiation was pending when the Commanding General was officially informed by distinguished public officers in the eastern department that Concord and Charlestown, New Hampshire, must, under certain contingencies, be made the northern line of defence; and officially informed by commanding officers in the northern department that they must be reinforced, otherwise Albany and Schenectady must be made the northern line of defence. At the same time the Cabinet of this State, on the floor of the Continental Congress, were denounced as rebellious insurgents, as pirates upon the rights of community, and traitors to the American cause.

After arranging the papers discovered, I visited the State department at Concord, New Hampshire, Boston, Massachusetts, Hartford, Connecticut, and the State Department, Washington. At these several departments the manuscript papers are bound in volumes, each volume with an index. I selected documents at each department, such as in my opinion had a bearing for or against the claim which we then had against the Colonies, and now have against the General Government; also such documents and correspondence as went directly to show the part the New Hampshire Grants took in the Revolutionary War; also such documents as went to show that the New Hampshire Grants were not subject to the jurisdiction of New York, New Hampshire or Massachusetts; and such documents as go conclusively to show that this Commonwealth was never fairly granted by his Majesty and Council—"That we received our Charter from HEAVEN, and not from *man* or the *will* of man."

I have forwarded all documents put forth on the part of this State, from time to time, approved of by the Governor and Council, and ordered to be published to the world, as to the right of jurisdiction and independence of this State. Also all such documents put forth on the part of New Hampshire, New York and Massachusetts as to jurisdiction and claim on the New Hampshire Grants. Also the first printed Journals of the Continental Congress, from Sept. A. D. 1774 to 1778. Also Marshal's life of Washington, Madison's papers, Gov. Morris', John Jay, James Duane, Richard Henry Lee, History of New York, History of Tryon County, Memoirs of General Wm. Heath, Gen. James Wilkinson, Gen. John Starke, Trial of Gen. Philip Schuyler for evacuating Ticonderoga, General Burgoyne's documents laid before the British Parliament, Reidsel's Letters, Ambury's Travels, (a British officer in America,) Graham's History of Vermont, Gen. Allen's History of Vermont, and a series of pamphlets published by said Gen. Allen at Philadelphia, and journals of the Provincial Congress of Massachusetts, Connecticut and New York. These interesting documents are all needed in order to sustain certain points connected with the part the New Hampshire Grants took in the Revolutionary War, and thereby will better enable us to sustain our claim, in connection with the documents relating to expenditures in our State Department.

These several documents are herewith transmitted to your Excellency for consideration. I have no hesitancy in expressing it as my decided opinion that the documents herewith transmitted exhibit on the part of this State on account of the expenditures during the Revolutionary War, five hundred thousand dollars, exclusive of interest and value of property

destroyed by the enemy. A large proportion of this expenditure was occasioned by a request on the part of the Continental Congress, or by request of commanding officers in the northern department, with an assurance of payment. These requests were made by the Cabinet of New Hampshire Grants, as a sovereign and independent community. Numerous are the instances in which the Continental Congress, or officers by them appointed, requested troops to be raised to protect the frontier inhabitants in the northern department, meaning Albany, Ticonderoga, Crown Point, and its dependencies in New York. Request was made by the commissary of the northern department, to the General Assembly of this State, to buy provisions in this State for the Continental Troops in the northern department. Application was made by the commanding General of the northern department, to the Cabinet of this State, to arrest deserters from the Continental army. Application was also made by the commissary of provisions in the eastern department, for liberty to pass through this State to Canada, for the purpose of negotiating an exchange of prisoners, as well as many other requests of a similar nature, all of which were promptly granted on the part of this State. The Cabinet of this State, at several times, during the war, made application to the commanding officers in the northern department, for troops to aid in garrisoning our frontier posts, and were denied. We applied on a certain occasion, to buy, or borrow a few barrels of beef, pork and flour, of the commissary of the northern department. We were denied on the ground that he had no authority to furnish troops except those of the thirteen American colonies. We applied to the commissary of prisoners in the northern department to borrow one of the British prisoners (as we had previous to this furnished one thousand one hundred and fifteen British prisoners for the colonies,) in order to complete an exchange of prisoners with the British commander in Canada, but were refused upon the ground that we did not belong to the Union. We were therefore left to negotiate with Gen. Haldimand for the release on parole of such prisoners as belonged to Warner's regiment, and to this State, including the east and west union.

In July, A. D. 1780, we communicated to the President of the Continental Congress a proposition to form a *solid* union for the defence of the American Colonies against their enemies. We also, on the 12th of December, A. D. 1780, wrote to the Governors of the several New England States, as well as to the Governor of N. York, making the same proposition; but never received an answer from either. I know of no law on the part of Congress, granting any pensions or remunerations, for Revolutionary services done or performed by a citizen of this State, in the militia of the State, during the Revolutionary War, previous to the law, A. D. 1842. By the exertions of a distinguished delegate then in Congress, from this State, an amendment was proposed, whereby the Revolutionary services of the Green Mountain Boys, was for the first time acknowledged by Congress. The numerous officers and soldiers of the Vermont troops, who so faithfully served during the war, never received one acre of land, one dollar of bounty money, nor wages from the thirteen American Colonies. Yet, sir, the documents herewith submitted, will convince you that our troops took from the enemy property to the amount of three hundred thousand dollars, which was generously turned into the common stock for the defence of the colonies. Even the brass cannon taken from the Germans at Bennington are now deposited in the Government Arsenal, in the district of Columbia, as trophies, unpaid for by the

General Government, and quietly acquiesced in by the Green Mountain Boys.

I earnestly recommend the arranging of all documents now recovered, with proper indices, in relation to the part the New Hampshire Grants took in the Revolutionary War; also, to complete the copying of all vouchers for revolutionary expenditures and forthwith present our claims to Congress for allowance; also, the official correspondence, in order to show forth the part the New Hampshire Grants took in the revolutionary war. I have no doubt on my mind but what Congress will make us a reasonable remuneration. If not, there will forever remain in the files of the American Congress a true copy of the Revolutionary pay rolls of the Green Mountain Boys, with a true copy of their expenditures, in defending their own firesides, and those of the thirteen American Colonies. There will remain a full history of the part the Green Mountain Boys took in the American Revolution. These documents will forever wipe away the *black stain* put upon the Mountain Boys, during the Revolutionary War, by demagogues and *sham* patriots, on the floor of Congress, and will show forth the sacrifices made for the love of our Green Mountains:—the love and forbearance we manifested towards the Continental Congress, after being threatened with immediate annihilation, and above all, will show the confidence the Commanding General of the American armies placed in the Cabinet of the New Hampshire Grants. Finally, the future historian will speak of our fathers as *patriots*, as *statesmen*, as pure and spotless as the snow of our mountains.

All of which is submitted to your Excellency.

HENRY STEVENS.

REPORT OF THE SELECT COMMITTEE, TO WHOM WAS
REFERRED THE REPORT OF HENRY STEVENS.

To the Senate and House of Representatives :

The Select Committee, to whom was referred the report of Henry Stevens, have had the same under consideration and respectfully report, that they are of opinion that it is inexpedient to pursue the enquiries which have been prosecuted by Mr. Stevens, for the purpose of establishing a revolutionary claim on the part of the State of Vermont against the United States, without hope of success. The Committee have been put in possession of an opinion given by the Hon. Hiland Hall, late Member of Congress, which they think is conclusive upon the subject. That opinion is herewith submitted to the Senate and House of Representatives.

Mr. Stevens has been active, industrious and energetic in prosecuting his enquiries and collecting facts relating to the early and revolutionary history of this State, and the transactions of those times. The Committee believe that the materials collected by Mr. Stevens, consisting of the history and correspondence of the principal men connected with the revolution, and more particularly with this State, and other matters, are of very considerable importance, but they do not think it comes within the appropriate duty assigned to them, to make an examination of the materials collected by him, or to recommend any action to be pursued by the Legislature in relation thereto, yet the Committee believe that some measures ought to be taken to secure to the State the benefit of the examination which has been made, and to do justice to Mr. Stevens. The Committee recommend the adoption of the accompanying resolution.

E. N. BRIGGS, for Committee.

Resolved, by the Senate and House of Representatives, that the Governor of this State be requested to make, or cause to be made, an examination of the papers and correspondence collected by Henry Stevens, Esq., relating to the early and revolutionary history of this State, and to take such measures as he shall judge will be most beneficial to the interest of the State, in procuring and preserving the same.

REPORT FROM SECRETARY OF STATE IN CONFORMITY
WITH A RESOLUTION OF THE SENATE, RELATIVE TO
THE STATE PRINTING.

SECRETARY OF STATE'S OFFICE, }
Montpelier, Oct. 26, 1843. }

Hon. HORACE EATON,
President of the Senate:

SIR,—I have the honor to inform the Senate, in answer to their resolution of yesterday, calling for such information, that the contract made for printing the Laws of the General Assembly of 1843, has been made with E. P. Walton & Sons, of Montpelier, and is in the words and figures following, viz.:

PROPOSALS FOR PRINTING THE LAWS, 1843.

We will print the Laws of Vermont for the session of 1843, as follows: 3600 copies on paper, and in size of page, type, and style, both of printing and binding, to correspond with last year's, at \$3 per page—the work to be ready for distribution in fifteen days after the last copy is furnished us.

Provided, That for any additional copies we are to be allowed the cost of paper at \$3,60 a ream, press work at \$1 per token, and binding at 8 cents per copy; and it is also understood that the usual allowance will be made us for distribution to the several sheriffs. We offer Joseph Howes for surety. Take any copy of the Laws of 1842, as a sample of paper, type, &c.

E. P. WALTON & SONS.

Montpelier, July 29, 1843.

Proposals accepted, July 29, 1843.

J. McM. SHAFTER,
Secretary of State.

The performance of the contract as above set forth, is secured by bond, with \$1000 penalty, for failure to perform the contract as aforesaid.

As to the "differences" between the contract for the present year, and those for the three preceding years, I have to say, that for the year 1840, that the contract was for the printing of 3300 copies at \$3,25 per page, and for the year 1842, for any additional copies, the paper was to be rated at \$4 per ream.

For the year 1841, I have to say, that I have searched among the papers of this office, but have not found any contract for that year.

The proposals made by E. P. Walton & Sons, as aforesaid, for the year 1843, were the only ones made to this office for the printing of the said Laws.

With great respect,
Your obedient servant,
J. McM. SHAFER,
Secretary of State.

REPORT OF SECRETARY OF THE SENATE, IN PURSUANCE
OF A RESOLUTION OF THE SENATE, RELATING TO THE
STATE PRINTING.

OFFICE OF THE SECRETARY OF THE SENATE, }
October 27, 1843. }

To His Honor HORACE EATON,
President of the Senate :

SIR,—In compliance with the request contained in a resolution of the Senate passed the 25th instant, I subjoin a copy of the proposals submitted to me for printing, distributing, &c. the Senate Journals for the year 1843.

PROPOSALS FOR PRINTING THE JOURNALS OF THE SEN-
ATE, 1843.

We offer to print the Journals of the Senate for the session of 1843, on type and paper, and in size of page, and style of printing and binding, to correspond with last year's, as follows:—300 copies at 75 cents per page, to be completed, and ready for distribution, within 30 days after the last copy is furnished. Provided, that for additional copies we shall be allowed for paper at \$3,50 per ream; press work one dollar per token, and binding at eight cents per copy; also the usual extra charge for figure and rule work, and the accustomed sum for distribution to the sheriffs. Last year's Journals for specimen.

We offer Joseph Howes for surety.

E. P. WALTON & SONS.

Montpelier, July 23, 1843.

Accepted August 1, 1843.

I add, on the other page, a comparative statement, as required by the resolution of the Senate, exhibiting the substantial terms embraced in the proposals of the Messrs. Waltons, for three years preceding 1843; and as compared with the terms of the proposals of the latter year:

<i>Years.</i>	<i>Per Page.</i>	<i>Paper.</i>	<i>Press Work.</i>	<i>Binding.</i>
1840,	75 cts.	\$4,00	\$1,00	8 cts.
1841,	87 1-2	5,00	1,00	8 "
1842,	87 1-2	5,00	1,00	8 "
1843,	75	3,50	1,00	8 "

It will be observed, therefore, that the difference in favor of the State, between the contracts of 1843, and 1842 and 1841, is 12 1-2 cts. per page and \$1,50 per ream in the price of paper; and between the years 1843

and 1840, is \$1.00 per ream, in the price of paper; the sum contracted to be paid for press work, binding and *distribution*, being the same in each of the four contracts under consideration.

The price paid for distribution is understood to be \$60.

Very respectfully,

Your obedient servant,

D. W. C. CLARKE,

Secretary of the Senate.

REPORT FROM CLERK OF HOUSE OF REPRESENTATIVES,
IN CONFORMITY WITH A RESOLUTION OF THE SENATE,
RELATING TO THE STATE PRINTING.

OFFICE OF CLERK OF HOUSE OF REPRESENTATIVES, }
October 26, 1843. }

HIS HONOR HORACE EATON,
President of the Senate:

SIR,—In compliance with the resolution of the Senate, I herewith transmit a copy of the bid for the printing of the Journals of the House of Representatives for the year 1843, which has been accepted by me.

The following statement exhibits the terms of the bids for the years 1840, 1841, and 1842, as compared with the bid of 1843.

Year.	Per Page.	Paper.	Press Work.	Binding.
1843,	75 cts.	\$3,50 ream.	\$1,00 token.	10 cts.
1842,	87 1-2	4,00 "	1,00 "	10 "
1841,	87 1-2	5,00 "	1,00 "	8 "
1840,	1,00	5,00 "	1,00 "	8 "

In 1842 and 1843, the binding includes cloth backs and paper stiffeners for the sides—while in 1840 and 1841, barely paper covers used.

With high respect,

Your obedient servant,

F. F. MERRILL,

Clerk of House of Representatives

PROPOSALS FOR PRINTING THE JOURNALS OF THE HOUSE,
1843.

We offer to print the Journals of the House for the session of 1843, on type and paper, and in size of page and style of printing and binding to correspond with last year's, as follows:—300 copies at 75 cents per page—to be completed ready for distribution within 30 days after the last copy is furnished. Provided, that for additional copies we shall be allowed for paper at \$3,50 per ream, press-work \$1 per token, and binding at 10 cents per copy; also the usual extra charge for figure and rule work, and the accustomed sum for distribution to the sheriffs. Last year's for specimen.

We offer Joseph Howes for surety.

E. P. WALTON & SONS.

Montpelier, July 29, 1843.

Above proposals accepted, Aug. 1, 1843.

REPORT OF AUDITOR OF ACCOUNTS, IN OBEDIENCE TO
RESOLUTION OF SENATE

AUDITOR'S OFFICE, }
Montpelier, Oct. 26, 1843. }

Hon. HORACE EATON,
President of the Senate :

SIR,—In obedience to the requirements of a resolution of the Hon. Senate, hereto annexed, passed Oct. 26th, 1843, I have the honor to transmit the following extracts from the records of this office.

With great respect I remain, &c.,

Your humble servant,

DAVID PIERCE,

Auditor of Accounts.

EXTRACTS.

December 29th, 1840.

CHAUNCEY GOODRICH,
For publishing Laws of Vermont, 1840, as per contract with Secretary,

viz :

8000 copies	\$202 15
700 "	43 54
Extra contract, 194 "	32 40

\$278 09

The last being added after the printing was completed ; the first
being too small by mistake of Secretary.

Deduct postage	60
----------------	----

\$277 49

NOTE.—Mr. Goodrich's contract did not stipulate for the usual allowance of \$60 for distribution to the sheriffs, and the order was drawn for \$277 49 only. On the 30th of October, 1841, the Committee of Claims advised the Auditor to draw an order for an additional sum of \$60, which was done.

February 22, 1841.
E. P. WALTON & SONS,
 For printing 300 copies of Journals of House for 1840, per contract, 300 pages at \$1, \$300 00
 400 additional copies, viz. 38 tokens press work, 38 forms, at \$1, 38 00
 17 reams 5 quires paper at \$5, 86 25
 (5 pages extra figure and rule work at \$5, not allowed.)
 Binding 400 copies at 8 cents, 32 00
 Distributing to sheriffs, 50 60

\$516 25

SAME,
 For printing 300 copies Journals of Senate for 1840, per contract, 172 pages at 75 cents, \$129 00
 400 additional copies, viz. 22 tokens press work (22 forms at \$1,) 22 00
 10 reams of paper at \$4, 40 00
 Binding 400 copies at 8 cents, 32 00
 (28 1-2 pages extra rule and figure work at 90 cents, \$20 25, not allowed.)
 (15 cents additional per page for the first 300, for new type, instead of old, by request of Secretary of Senate, \$25 80, not allowed.)
 15 additional copies at 38 1-2 cents, 5 77
 Distributing to sheriffs, 60 00

\$268 77

January 22, 1842.
E. P. WALTON & SONS,
 For printing laws of 1841, per contract, as follows:
 3500 copies, 76 pages, at \$3 per page, \$228 00
 422 additional copies as follows, press work: 10 tokens, 10 00
 4 4-10 reams paper at \$4, 17 60
 Binding, at 6 cents, 25 38
 39 copies Public acts at 8 cents, 3 12
 Distributing to sheriffs, 60 00

\$344 04

April 5th, 1842.
E. P. WALTON & SONS,
 For printing and binding 300 copies of the Journals of the House for 1841, 368 pages at 87 1-2 cts. per page as per contract, \$323 00
 400 additional copies per contract, viz. 46 tokens press work (46 forms, 8 pages, in 368 pages,) at \$1, 46 00
 21 1-2 reams paper at \$5, 106 00
 Binding 400 copies at 8 cents, 32 00
 28 1-2 pages figure work at 87 1-2 cts. extra, 24 83 1/2
 Distributing to Sheriffs, 60 00

\$590 83 1/2

SAME.

For printing and binding 300 copies Journals of Senate for 1841, 184 pages at 87 1-2 cts. per contract,	\$161 00
400 additional copies per contract, viz:	
23 tokens press work (23 forms in 184 pages),	23 00
10 3-19 reams paper at \$5,	51 84
Binding 400 copies at 8 cents,	32 00
33 1-2 pages figure work at 87 1-2 per page,	33 68½
Distributing to sheriffs,	60 00
	<u>\$361 52½</u>

January 16th, 1843.

E. P. WALTON & SONS,

For printing and binding 3600 copies of Acts of the Legislature, passed October, 1842, per contract with C. L. Knapp, Assistant Secretary of State, viz:

140 pages at \$3 per page of one copy,	\$420 00
700 extra copies, viz: 13 10-14 reams paper at \$4 per ream,	54 17
34 tokens press work, 17 forms, at \$1,	34 00
7 1-2 quires paper for 700 covers at \$5 per ream	1 97
Press work,	2 00
Pressing, folding, binding and trimming, &c. 700 copies at 8 cts.,	56 00
Distributing to sheriffs,	60 00
	<u>\$628 14</u>

April 12th, 1843.

E. P. WALTON & SONS,

For paper, printing and distributing to Sheriffs as per contract, the Journals of the Senate of 1842, viz:

360 copies, 244 pages, covers included, at 87 1-2 cts per page,	\$213 50
396 additional copies, viz:	
94 36-456 reams paper at \$5,	73 79
Binding at 8 cents,	31 68
18 1-2 pages extra figure work and rule at 87 1-2, \$15,98 3-4, (allowed at only \$7,50,)	7 50
Distributing to sheriffs,	60 00
	<u>\$386 47</u>

SAME,

For printing Journals of House in 1842, as per contract, 300 copies, 448 pages, covers included, at 87 1-2 cents,

	\$392 00
404 additional copies, viz:	
44 4-19 reams paper at \$4,	105 38
56 tokens (56 forms,) press work at \$1,	56 00
Binding at 8 cents,	32 32
Cloth backs and stiffeners, ordered by Clerk, not in contract,	14 08
43 pages figure work, &c. at 87 1-2 cents, \$27,82 1-2, allowed at \$15,	15 00
Distributing to sheriffs,	60 00
	<u>\$674 78</u>

None of the preceding accounts have been settled without a copy of the contract, or a certificate by the Secretary or Clerk, that the services had been performed according to the stipulated conditions.

No deduction has, therefore, been made, for delay in the completion or delivery of the work, beyond the time specified in said contracts.

REPORT OF SELECT COMMITTEE ON REPORTS OF SECRETARY OF STATE, SECRETARY OF SENATE, CLERK OF HOUSE OF REPRESENTATIVES, AND AUDITOR OF ACCOUNTS.

To the Honorable Senate now in session :

Your Committee, to whom were referred the reports of the Secretary of State, Secretary of the Senate, Clerk of the House of Representatives, and Auditor of Accounts, respectfully

REPORT :

That they have had the same under consideration. It appears to your Committee that the Laws and Journals which have been provided by the Messrs. Waltons for the State, have been ready for delivery within the time specified in their several contracts, but as to the fact of their having been delivered to the sheriffs immediately on completion, your Committee have been unable to ascertain. But from the evidence before your Committee, they are of the opinion that there is unnecessary delay in the delivery of the Acts and Journals, in many cases, to the persons who by law are entitled to them, and believe that it is in many cases in consequence of neglect of the sheriffs, that they do not at all times make the distribution until some time after received.

It appears to your Committee that there has been a larger number of Acts and Journals published than provided for by Statute. In the year 1842 there was 166 copies of the Acts of the Legislature, 121 copies of the Journal of the Senate, and 129 copies of the Journals of the House of Representatives, more than what the Statute provides for distribution.

Your Committee are of the opinion that the amount which has been allowed for distribution of the Laws and Journals for years past, to the several Sheriffs, is much more than actual cost. It appears by the Auditor's report that the sum allowed yearly is \$180.

E. ALLEN, for Committee.

RESOLUTIONS OF THE LEGISLATURE OF THE STATE OF
NEW JERSEY.

STATE OF NEW JERSEY.

JOINT RESOLUTIONS.

WHEREAS an untarnished reputation, based upon strict integrity and a rigid adherence to good faith in all our public transactions, is not only of inestimable importance, but indispensably necessary to the well-being, prosperity, and happiness of our common country;

And whereas we have hitherto preserved inviolate our plighted faith, and cherished with enthusiasm our unblemished honour, regarding it as a precious heritage from our noble sires, earned by the toil, purchased by the blood, and endeared to us by the sufferings of the patriots of the Revolution;

And whereas it is not only highly dishonourable, but directly conflicting with every principle of justice and morality, for any state, nation, or people to repudiate or disown obligations contracted in good faith and with mutual concurrence, because such contracting power is not legally responsible, or such obligation may not be legally enforced;

And whereas, in a portion of our Union, doctrines have been promulgated tending to degrade the national honour, destroy the national credit, and debase the national character, unjustly involving in a common odium the other portions of this Union, and causing our name to be a by-word and reproach throughout the civilized world;

And whereas a belief extensively prevails that these odious doctrines meet with a silent assent, if not general approbation, throughout our confederation, thereby tarnishing, by implication, our country's fair fame, and rendering it not only expedient, but highly necessary and proper, that the voice of the people, in their primary assemblies and in their legislative halls, should be universally, fully, and unequivocally expressed—therefore,

1. *RESOLVED, by the Council and General Assembly of the State of New Jersey,* That we heartily deprecate, indignantly repel, and utterly condemn the novel doctrine of repudiation of state debts, and desire now, and for all time, distinctly and unequivocally, to declare, that New Jersey not only disavows any and all participation in such sentiments, but will not suffer the moral sense of her people to be outraged by their avowal in

any part of our Union, by any portion of its citizens, without an expression of her open, thorough, and decided condemnation.

2. *Resolved*, That we should be recreant to every virtuous principle and honest impulse, and faithless to all moral obligation, did we hesitate to take a firm and unwavering stand, and exert the utmost energies of our state and people in vindication of the probity and the untarnished reputation transmitted by our fathers; which form the ground-work of that just pride and veneration with which their honoured names are associated, and a broad basis of national integrity, which all should delight to emulate and defend.

3. *Resolved*, That public credit is one of the vital principles, and a main-spring of national prosperity, and indissolubly associated, as it is, with an unimpeachable character for strict honesty, must be greatly impaired, if not utterly destroyed, by any disregard of this indispensable requisite in the formation of national, as well as of individual good character.

4. *Resolved*, That the same laws of retributive justice govern nations as individuals, and that no country or people can swerve with impunity from the straight-forward path of uprightness and integrity; when the quick sense of honour becomes blunted, and the shame of merited reproach is unfelt or unheeded, the public morals will deteriorate, and public virtue decline, and, in their downward course, bear with them national respectability and national worth, and, finally, whelm the work and pride of ages in irretrievable ruin.

5. *Resolved*, That it is our earnest hope and belief that the doctrine of repudiation has obtained but a partial foothold on the soil of our Union, and a limited portion of its citizens for advocates and defenders; and we are proud to assert, that the mass of our people are, and ever have been, firm in their adherence to all the maxims of probity, unwavering in their acknowledgment of all the exactions of good faith, honourable in the discharge of all the obligations which mutual contracts impose, or the conventional usages of society imply, and proudly sensitive to the aspersion of national disgrace.

6. *Resolved*, That considerations, above and distinct from party, reaching far beyond our day and generation, and intimately affecting, as we sacredly believe, the future character, varied interests, and permanent prosperity of our beloved country, solemnly impel us to speak fearlessly and unhesitatingly on this subject; and, in a spirit of patriotism, which should look beyond state limits, we beseech our fellow citizens, throughout the length and breadth of this Union, to join with us in reprobating all violations of good faith, and in vindicating the honour and reputation of our common country.

7. *Resolved*, That the Governor of this State be requested to transmit a copy of the foregoing preamble and resolutions, certified under the Great Seal of the State, to the Governor of each of the several States of the Union, with a request that he will cause the same to be laid before the Legislature thereof.

REPORT OF SELECT COMMITTEE ON RESOLUTIONS FROM
NEW JERSEY, AND RESOLUTION.

To the Senate now in session :

The Committee on the Judiciary, to whom was referred certain joint resolutions passed by the Council and General Assembly of the State of New Jersey, relating to the repudiation of state debts, respectfully

REPORT :

That they fully and cheerfully subscribe to the opinions expressed in the resolutions, submitted to the General Assembly of Vermont, and believe that "repudiation," as it regards state or individual debts, is no where more strongly condemned than in the State of Vermont. Your Committee believe that the Legislature will express the views and opinions of the people of this State in the following resolution, which they recommend to the Senate for adoption.

E. N. BRIGGS, for Committee.

Resolved, by the Senate and House of Representatives of the State of Vermont, that this State has no sympathies with that legislation which violates the pecuniary obligations of a State, and takes shelter under State sovereignty to evade the force of those obligations ; that such a course is a violation of that good faith and high moral principles which should regulate the conduct alike of governments and individuals.

Resolved, that His Excellency the Governor be requested to transmit a copy of the foregoing resolution to the Executives of New Jersey and the several States.

REPORT OF THE JOINT COMMITTEE ON THE STATE LIBRARY.

To the Senate :

The joint Committee appointed to examine into the condition of the State Library, having attended to the duties assigned them,

REPORT :

That from the examination of the Library, which they have been enabled to make, they are satisfied that it has been neatly and safely kept, and is now in good condition. The duties of the Librarian seem to have been attentively and faithfully discharged.

By request of the Committee the Librarian has furnished a statement of the condition of the Library, which accompanies this report.

S. F. DUTTON, for Committee.

LETTER FROM THE LIBRARIAN.

STATE LIBRARY, }
Montpelier Oct. 31, 1843. }

To the Joint Committee for examining the State Library :

GENTLEMEN,—In compliance with your directions, I have the honor to submit the following statement of the facts connected with the Library during the past year.

There have been received for the use of the Library 510 volumes ; for distribution 1428 ; 532 of which were distributed near the close of the last, and during the present session, leaving 896 for future distribution.

In addition to the above, I have purchased 35 volumes required by an act of the General Assembly, approved Nov. 12, 1842.

The Library now contains 3097 bound volumes.

In pursuance of the "5th Rule of the Library," I have procured the binding of 72 volumes, and now have between 20 and 30 volumes which

were not received in time to be bound before the commencement of the session. By the terms of the contract entered into in July last, the expense for binding is 20 cents per volume, being at least 40 per cent. less than the sums heretofore allowed for the like work.

During the year, I have found and returned 11 volumes lost or taken from the Library previous to my appointment.

I am very respectfully,

Your obedient servant,

A. W. KENNEY,

Librarian.

REPORT OF MINORITY OF COMMITTEE TO WHOM WAS REFERRED THE BILL PLACING ALL RAIL-ROAD CHARTERS UNDER THE CONTROL OF THE NEXT LEGISLATURE.

The undersigned, a minority of the Committee, to whom was referred the bill placing all grants of rail-roads made at the present session under the control of the next Legislature,

REPORTS:

That in his opinion said bill ought to pass and become a law. A public law of this State (see Revised Statutes, page 51,) requires that all petitions for rail-roads, canals, and some other purposes, shall be published in one or more newspapers in each county where the same is to be located, three weeks successively, the last of which publications to be at least twelve days previous to the session of the Legislature, to which said petition is to be preferred. The object of the law was undoubtedly to secure to the people interested, an opportunity to examine the nature of the application, and to give such instructions to their representatives on the subject, as they might deem expedient, and also to prevent acts of such importance being hurried through the Legislature on private and interested applications, without an opportunity for public opinion to operate on the subject. The undersigned believes the provisions of this law are highly salutary and should be regarded in practice.

There have been several petitions presented to the Legislature for rail-roads during its present session, none of which it is believed have been published as required and provided by law, and various acts granting said rail-roads are in progress of being passed. The undersigned is of opinion that in compliance with the spirit and design of said law, these acts being *now* first proposed, should be referred to the next session of the Legislature, or if passed at this time, the right should be reserved to it to alter or amend said charters, as provided in the bill before your Committee, which will secure all the benefits of the notice required by the law. He also believes that full control should always be reserved to itself by the Legislature in all grants of corporate powers, so that the people through the Legislature, may at all times have the same liberty to consult their own interests in relation to any amendment or alteration of said grant which may become necessary that we possess in giving it.

It may be said that the Legislature will abuse their power in this respect, but if it is meant that they will be as likely to do so, as a private corporation composed of interested individuals, the assumption is an implied censure on our form of government. Experience will show that no Legislature will be inclined to revoke or amend a grant of corporate pow-

ers to the injury of the corporation, unless prompted by strong reasons of public good. In all such cases the public good should predominate, and undoubtedly the Legislature would remunerate the persons interested in case their interest in the charter should suffer injury by the action of the State.

LOREN GRISWOLD.

REPORT OF COMMITTEE ON THE JUDICIARY ON SUBJECT
OF VERMONT REPORTS.

To the Senate :

The Committee on the Judiciary, who were instructed to enquire in relation to the 14th volume of Vermont Reports, whether the cases determined by the Supreme Court for the year 1842 are published in said volume, or what proportion of the cases are reported and by whom, as to its value, and whether the present method of reporting and publishing the Vermont Reports is defective, and if so, what remedy can be had, respectfully

REPORT :

That as to a considerable share of the subject of enquiry, they have not the means, or the time or opportunity of making an investigation.— The Committee consider the subject a matter of very great importance to the people of this State, and that it is of the utmost importance to have the cases determined by our Supreme Court, faithfully and fully reported. They believe that our Supreme Court will not suffer by a comparison, for ability and learning, with Courts of other States, unless it should be for the want of faithful reports of their decisions. The reports may be subject to several objections, some of which might be obviated. One objection is, that the expense to the State and to the purchaser is too much. The State has pursued a liberal and generous course to procure a faithful report of the decisions of the Supreme Court, and to make public and distribute the information conveyed by the publication of the reports. The State pays annually to the reporter the sum of \$450 for his services in superintending and preparing the report of the cases for publication. The State also purchases of each volume 290 copies, and pays for the same a fair compensation and profit. The 10th 11th and 12th volumes, the State paid \$3,29 per volume, and for the 13th, which contained less pages, \$2,67, at an annual expense of near \$900. The salary of the Judges of the Supreme Court was increased to make them an additional compensation for furnishing the reporter with their written opinions in the cases determined. The publisher of the reports has usually sold the volume at \$4 or over. His price, to be paid by citizens of this State, is generally considered too much, taking into consideration the liberal course of the State. The size of the volume since the 10th has been convenient, except the last, which contains less than 590 pages, when the 12th volume contains 734. Another complaint as to the reports is, that many cases of no importance are reported, thereby making up a book, to be paid for by the State and the purchasers, for the purpose of obtaining that part which is of importance, and in leaving unreported many cases of importance in principles and in-

terest. The Committee believe that there is much reason for this complaint, and that some measures should be taken to remedy this evil. As to the first part of this complaint, that cases of no importance in principle for precedents are reported: the law requires, that all the cases decided by the court shall be reported, and a compliance with this law would cause every case to be reported; but this law is not complied with, nor a proper selection of the cases made. Perhaps a discretion should be given to the Reporter to leave out of the reports such cases. The Committee are instructed to enquire whether all the cases determined are published, or what proportion of the cases, or by whom reported or decided. In performing this part of the duty assigned to the Committee, they have not gone into a full examination of all that might be embraced in the enquiry. The Committee are satisfied that the Reporter has published all the cases furnished him by the Judges of the Court. The law requires the Judges of the Supreme Court to prepare and furnish to the Reporter, correct reports of the opinions by them severally given; consequently the Reporter can publish no more cases than the Judges prepare, with opinions. This law has not been complied with either according to the letter or spirit. Your Committee believe that many important cases, decided from year to year, are unreported. They have not the means of ascertaining the number of cases which have been decided that are not published, but believe that for the last four years the number is very considerable. The compensation paid to the Judges for this service is believed to be sufficient, the requirement of the law imperative, and the performance of the service very essential to the interest of the State, and ought not to be dispensed with. Your Committee do not wish to call in question the propriety of the course pursued by the Judges of the Supreme Court, in furnishing their cases and opinions for publication, yet they consider it a serious evil, that so many cases of importance should be suffered to pass unreported. The Committee have no doubt but what some of the Judges, and probably most of them, have reported the cases assigned to them, which were of sufficient consequence to be reported, when other members or member of the court has almost wholly neglected to furnish his cases. The attention of the Committee was by the resolution more particularly directed to the examination of the 14th volume. This volume contains the cases heard and decided in the winter circuit of the court in 1842. The Statute requires that the Judges shall prepare and furnish correct reports of their opinions before the 1st day of October in each year. This volume is nearly one year later than it should be; and the Committee see no reasons why the Reports for each year should not be published at the close of each year, or at least within one year from the time of the hearings. We understand that the cases are not returned to the Reporter by the time specified. This volume contains the report of ninety-one cases; what number of cases were heard and decided upon the circuit in 1842, the Committee have not the means of ascertaining, but probably more than twice the number reported. In the 91 cases the opinions were given by the Judges as follows:

Judge Williams,	24
“ Royce,	17
“ Redfield,	26
“ Bennett,	24—91
“ Collamer	none.

In Rutland County the usual time was occupied in hearing and deciding cases, but only four cases are reported. In Caledonia County nine

cases are reported, six of which are by one Judge, and if he reported all his cases, the whole number heard at that time would be twenty-four.

The Committee think that the Reporter should be instructed to call upon the Judges for their cases and opinions which have not been published, and publish an additional volume of such cases as he thinks ought to be published, and also publish, as soon as possible, the cases determined the present year.

The Committee submit the following resolutions for the consideration of the Senate. (See Journal, page 68.)

E. N. BRIGGS, Chairman.

REPORT OF THE COMMITTEE OF CLAIMS ON PETITION
OF SYLVESTER PHELPS AND JEDEDIAH P. LADD.

To the Honorable Senate now in session :

The Committee of Claims, to whom was referred the petition of Sylvester Phelps and Jedediah P. Ladd, praying compensation for thirteen kegs of tobacco seized and condemned under the non-intercourse law of this State, passed Nov. 6, 1812, have had the same under consideration, and respectfully

REPORT:

That said tobacco, consisting of thirteen kegs, was seized, together with the boat in which it was being transported across Lake Champlain, on the 22d day of June, 1813; that said boat and tobacco were proceeding on their way to the Province of Canada at the time of said seizure, in violation of the provisions of the non-intercourse law above named. By the adjudication of a court constituted according to the provisions of said act, said tobacco was adjudged forfeited and condemned on the 23d day of June 1813, and by the orders of said court was sold at public auction at Alburgh, and one half of the proceeds of said sale, being the sum of one hundred and fifty-six dollars and forty-six cents, was paid into the treasury of this State on the 15th day of November 1813.

In April 1833, said Phelps and Ladd commenced an action against Lewis Sowles, who was one of the court by whose adjudication said tobacco was condemned and ordered to be sold, for the recovery of the value of said tobacco. Said action was tried in the Supreme Court of the State of New York, in June 1838, and in June 1839, and said court decided that the plaintiffs could not recover, and directed them to be nonsuited.

The Committee deem it proper here to state that the petitioners alledge as a reason for not having sooner commenced an action against Sowles, that said Sowles was an inhabitant of Alburgh, in Vermont, and that they being residents in New York, did not bring their action sooner because said Sowles did not go into the State of New York, and therefore service could not be made on him of any action in the court of New York. The Committee do not consider it proved to them that said Sowles did not visit the State of New York within said time as alledged. And they do not consider that such fact if proved would be a sufficient excuse for not sooner prosecuting said claim, inasmuch as we see no reason why the petition-

ers could not at any time have commenced an action in the courts of the State of Vermont, or in the courts of the United States.

A: the session of the General Assembly in 1839, said Sowles presented a claim against the State for his time, costs and expenses in defending said suit; and there was then allowed and paid to him out of the State treasury, the sum of \$380 78-100.

It appears that the pleadings in the action brought by the petitioners against Sowles, were a plea of justification under the non-intercourse law, the general issue and the statute of limitations. The petitioners produce the affidavit of Israel P. Richardson of Burlington, who says that at the time of the seizure aforesaid, he was acting as a revenue officer of the United States, and that he refused to seize said tobacco at the time, on the ground that said tobacco was not a contraband article by virtue of any law of the United States.

Your Committee do not consider it conclusively proved, by any evidence before them, that the court of New York decided that the petitioners could not recover of Sowles, on the ground that the petitioners were engaged in smuggling; but in the report made in 1839, by the Committee of Claims in the House, on Sowles' claim, it is stated that it was proved to them, at that time, that the court in New York did decide, that as said Phelps and Ladd were engaged in smuggling said tobacco into the Province of Canada, the transaction was illegal, and that although the act of condemning said tobacco and ordering the same to be sold was illegal, because the law of Vermont, under which it was condemned, was unconstitutional and void, still the plaintiffs could not recover, as the law would not interpose to adjust the claims of persons engaged in illegal transactions. This ground of decision is now denied by the petitioners, and they produce a letter from Judge Willard of New York, who says the cause was tried before him in June 1839, and that he is persuaded that he nonsuited the plaintiff upon the ground that the cause of action did not accrue within six years next before the commencement of the suit, and that as the nonsuit was on this ground, it did not become necessary; and he *thinks* he did not pass upon any other question, though other matters may have been adverted to in giving his opinion. Whichever way the weight of evidence may preponderate on this point, the fact is clear that the petitioners have failed to substantiate any legal claim against Judge Sowles, the magistrate who acted under the law of the State, and it is equally clear that they can sustain no *legal* claim against the State. If they had recovered of said magistrate, the State would undoubtedly have indemnified him. They have failed to recover of him in an action at law, and whether they have done so by a decision upon the statute of limitations or on the ground of their being engaged in an illegal traffic—in either case they have failed by their own fault.

If the petitioners' claim is to be sustained at all then, it seems to your Committee that it must be only on the ground of equity, and when we consider that in 1839, the State paid to Sowles, in consequence of this transaction, \$380 78-100—a sum more than equal to that which they had received from the proceeds of the sale of said tobacco in 1813, with the interest on the same from that time to the time it was paid out to said magistrate—considering too the great length of time which the petitioners have suffered to elapse before presenting their claim against the State, and also the nature of the transaction in which the petitioners were engaged—they being at the time citizens of Vermont, and acting in direct violation of the law and policy of the State, although that law has since

proved to be unconstitutional by the Constitution of the United States—and acting too, as they were certainly, against the intent and spirit, if not against the very letter of the law of the United States entitled “an act prohibiting American vessels from proceeding to or trading with the enemies of the United States, and for other purposes,” your Committee are of opinion that the petitioners are not entitled to recover, and recommend that they have leave to withdraw.

H. CUTTS, for Committee.

Montpelier, Vt., Oct. 31, 1843.

ADJUTANT GENERAL'S REPORT FOR THE YEAR 1843.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE, }
 Montpelier, 25th October, 1843. }

To His Excellency, JOHN MATTOCKS,
 Governor of Vermont :

SIR,—I have the honor to transmit herewith a return of the Militia of this State, comprising the Uniform Militia as per document marked (A,) amounting to 4689
 The Enrolled Militia ; as per document marked (B,) amounting to 18,227
 The aggregate of the Militia, including the Field and Staff, as per document marked (C,) amounting to 23,558
 And the General Staff, as per document marked (D,) amounting to 70

I have received no returns from the 12th and 25th Regiments.
 The number of commissions which have been issued from this office during the past year is 425
 The number of discharges is 125

The only difficulties which arise in the way of having and maintaining an efficient uniform militia, are, from the want of confidence which appears to be indulged, in the permanency of any law or system ; and the want of sufficient encouragement to the formation of uniform companies. The radicalism, it is alledged, which has been suffered to prevail in this State upon this subject, rooting out as it does all stability and confidence, has given rise to the conviction that no system can be permitted to exist for a sufficient length of time even to test its merits. The instability of the law, consequently, has prevented the incurring of the expense, time and labor, which the establishing of an effective corps demand. The difficulties and errors arising from the ignorance of the working of any system, are doubly increased by the constant succession of new acts ; and no one law has been sufficiently understood before it has been compelled to give place to a new one. With such impediments in the way of our duty, it is hopeless even to attempt to succeed.

I have noted the errors and defects which the practice of one year has brought to notice in the present system, and for the remedy of which, I have prepared a bill and transmitted it to the appropriate Committee of the Senate.

I have the honor to be,
 Your Excellency's ob't servant,
 F. W. HOPKINS,
 Adjutant and Inspector General.

Non-commissioned Officers, Musicians, and Privates.								
A.								
VERMONT MILITIA.								
UNIFORM MILITIA.								
ADJT. GEN'S. RETURN, 1843.								
Regiments.								
	Sergeants.	Corporals.	Clerks.	Musicians.	Privates.	Number present.	Number absent.	Aggregate.
First Regiment	7	8	2	12	103	65	38	132
Second Regiment	12	12	3	7	205	118	84	215
Third Regiment	12	12	3	12	136	108	52	187
Fourth Regiment	15	15	4	16	190	149	41	240
Fifth Regiment	12	12	3	20	151	158	53	198
Sixth Regiment	12	12	3	9	127	114	52	166
Seventh Regiment								
Eighth Regiment	12	12	3	12	214	174	40	258
Ninth Regiment	8	8	2	9	129	124		188
Tenth Regiment	8	8	2	9	91	62	29	108
Eleventh Regiment	4	4	1	3	43	33	10	
Twelfth Regiment								
Thirteenth Regiment	16	16	4	13	211	183	38	211
Fourteenth Regiment	16	16	4	20	237	146	89	262
Fifteenth Regiment	4		1	4	38	38		38
Sixteenth Regiment	15	12	3	22	214	237	2	261
Seventeenth Regiment	20	16	5	21	279	231	48	335
Eighteenth Regiment	16	16	4	12	198	170	28	
Nineteenth Regiment	20	18	5	22	253	173	80	318
Twentieth Regiment	16	14	4	24	146	127	36	205
Twenty-first Regiment	13	2	4	10	238	181	57	262
Twenty-second Regiment	12	8	3	13	131	155	18	173
Twenty-third Regiment	8	7	2	6	108	98	20	139
Twenty-fourth Regiment								
Twenty-fifth Regiment								
Twenty-sixth Regiment	20	15	5	21	231	185	46	288
Twenty-seventh Reg'm't	8	8	2	10	141	111	30	147
First Rifle Regiment	286	251	72	307	3814	3135	891	4326
	28	27	7	23	282	206	91	363
Total	314	278	79	330	4096	3341	982	4689

Music.		Artillery Implements, &c.																			
Bugles.																					
Drums.	3	5																			
Fifes.	2																				
Trumpets, &c.	1	3																			
Iron or brass - pounder.	2	1																			
Limber.			1																		
Trail Handspikes.			4																		
Linstocks.			1																		
Tumbrel.			4																		
Lead Apron.			1																		
Bricole.			1																		
Priming Wire.			2																		
Haversacks.																					
Ammunition Boxes.																					
Port Fire Case.			4																		
Thumb Stalls.			1																		
Powder Horn.																					
Sponge and Rammer.			2																		
Worm and Ladle.			2																		
Sponge Buckets.			1																		
Port Fire Clippers.			2																		
	14	62	41	9	10	9	9	8	2	2	7	9	1	15	2	4	6	9	8	5	3
	11	4																			
	14	73	45	9	10	9	9	8	2	2	7	9	1	15	2	4	6	9	8	5	3

		Cavalry.										Rifls.		
Set of Harness.		Prolonge.	Horses.	Pistols.	Holsters.	Saddles and Bridles.	Valises.	Breast Plate and Crup- per.	Cartridge Box.	Sabres.	Rifles.	Powder Horns and Belts.	Bullet Pouches.	
2			28	28	28	28	28	28	28	28	80	35	35	
		32	64	32	32	32	24	24	20	32	80	59	59	
		24	48	24	24	24	24	24	24		73	73	73	
		35	35	35	35	35	35	35	35	35	80	80	50	
		21	20	20	21	20	20	19	21	20	67	67	67	
												60	49	49
					44		44	44	44				95	95
												112	72	72
												90	46	46
												30	30	30
3											45	44	45	
											57	57	57	
												102	91	91
					37	74	37	37	37	37	37	103	100	100
					32	32	32	32	32	32	32	80	69	69
					24	48	24	24	24	24	24	85	85	85
												95	95	95
					37	74	37	37	37		37	50	50	50
												59	56	56
												80	68	68
2	2	30	60	30	30	30	30	30	30	30	104	99	99	
											56	56	56	
7	2	344	483	299	344	335	297	251	275	1588	1446	1447		
											183	183	179	
7	2	344	483	299	344	335	297	251	275	1771	1629	1626		

APPENDIX.

39

Light Infantry and Infantry.						
Muskets.	Bayonets.	Bayonet Scabbards and Belts.	Cartridge Boxes and Belts.	Knapsacks.	Priming Wires and Brushes.	Spare Flints.
30	30	30	30	29	62	65
90	27	27	27	85	27	54
80	80	56	56	56	56	112
80	80	80	80	80	80	80
37	37	19	36	17	18	111
90	90	90	90	90	90	180
90	90	52	52	52	52	52
78	79	2	2		2	4
17	17	17	17	17	17	17
44	44	44	44	44	44	88
80	80	80	80	80	80	70
90	90	48	48	48	48	96
90	90	61	61	61	61	122
90	90	90	90	31	31	62
49	49	49	49	49	49	98
90	90	90	90	90	26	52
68	68	68	68	68	68	136
89	89	39	39	39	39	78
90	90	38	38	88	38	76
90	90	51	51	51	51	102
1462	1400	1031	1048	1025	939	1655
1462	1400	1031	1048	1025	939	1655

Swords and Belts.	Number in uniform.	Number not in uniform.	Number of companies.	
				I certify that I have examined the Records of the Clerks of these several Companies, and Report, opposite to the names of the Companies, the condition of each.
6	22	8	1	William Chamberlain, Adjutant.
5	121		3	E. S. Riddle, do.
87	122		3	William C. Fox, do.
31	123	28	4	Ferrand Parker, do.
5	107	60	3	Emerson R. Wright, do.
26	110	33	3	No return of uniform M, R. C. Smith, do.
	207		4	W. J. Odell, do.
6			3	Abel Phelps, do.
5	64	26	2	George H. Farrar, do.
			1	No return.
				E. B. Lathrop, do.
3			5	Dan Gray, 2d, do.
55	151	66	4	J. Dean, jr. do.
3			1	C. J. Wright, do.
69	217	30	4	James Cowles, do.
94	257	48	5	A. L. Paige, do.
			4	W. G. Dickey, do.
7	134		5	C. Ashcraft, do.
12	159		4	M. H. Sessions, do.
75	187		4	Minot Wheeler, jr. do.
6	106	13	3	Royal Burnham, do.
5	118		2	George B. Warren, do.
				No return of uniform M.
				No return.
3	51		5	Stephen Dudley, Col.
59	59		2	L. W. Page, do.
562	2315	312	69	Adjutant & Inspector General's Office, Montpelier, Oct. 23, 1843. } F. W. HOPKINS, Adj. & Insp. Gen.
19	197	89	7	
581	2512	401	76	

Non-commissioned Officers, Musicians, and Privates.							
B. VERMONT MILITIA. ENROLLED MILITIA. ADJT. GEN'S. RETURN, 1843. Regiments.	Sergeants.	Corporals.	Clerks.	Musicians.	Privates.	Number present.	Number absent.
Second Regiment	24	19	8	23	803	562	242
Third Regiment	16	10	5	22	373	292	81
Fourth Regiment	34	29	8	22	609	461	215
Fifth Regiment	26	13	9	32	725	495	230
Sixth Regiment	33	24	10	37	695	513	300
Seventh Regiment	23	20	7	25	592	442	
Eighth Regiment	26	23	8	34	637	510	128
Ninth Regiment	28	20	8	36	675	518	157
Tenth Regiment	4	4	1	3	89	72	17
Eleventh Regiment	31	29	8	30	721	397	141
Twelfth Regiment							
Thirteenth Regiment	41	16	8	39	807	570	234
Fourteenth Regiment	31	31	10	35	785	710	163
Fifteenth Regiment	22	13	6	15	292	241	51
Sixteenth Regiment	32	6	10	34	701	603	33
Seventeenth Regiment	24	14	8	27	856	613	243
Eighteenth Regiment	23	18	8	41	829	630	99
Nineteenth Regiment	25	18	8	29	696	525	171
Twentieth Regiment	26	18	8	35	740	590	150
Twenty-first Regiment	26	20	8	30	833	690	116
Twenty-second Regiment	20	16	6	23	628	521	107
Twenty-third Regiment	24	18	8	34	742	640	95
Twenty-fourth Regiment	22	14	6	23	743	554	189
Twenty-fifth Regiment							
Twenty-sixth Regiment	16	10	2	21	433	243	56
Twenty-seventh Reg'm't	19	12	8	31	819	647	172
Aggregate, 18227.	616	438	182	691	16300	12372	3541

APPENDIX.

Musical Instru'ts			Arms and Equipments.							
Bugles.	Drums.	Fifes.	Muskets.	Bayonets.	Bayonet Scabbards and Belts.	Cartridge Boxes and Belts.	Knapsacks.	Priming Wires and Brushes.	Spare Flints.	Swords.
	7	7	319	315	316	315	313	320	319	14
	18	7	524	441	439	449	466	446	804	20
	1		277	277	277	277	277	277	554	15
	13	7	434	435	435	437	431	437	840	20
	17	5	465	422	432	435	440	427	428	12
	22	9	417	411	413	413	390	414	782	20
	7	7	432	480	431	430	398	428	617	17
	10	6	518	518	518	518	518	518	699	19
	13	6	440	403	400	409	405	397	394	21
	1		76	76	76	76	76	76	76	2
	1		307	280	275	264	263	268	264	16
2	18	10	324	288	294	292	303	326	566	13
	19	16	571	571	571	571	571	571	1122	21
1	6	8	248	248	248	248	248	248	248	16
3	16	15	681	661	681	681	681	681	1362	28
	5		572	572	572	572	572	372	1144	19
	1		631	631	631	631	631	631	1262	17
			525	525	525	525	525	525	1050	17
	20	15	598	598	598	598	598	598	1194	21
	12	9	656	653	653	656	656	653	1366	16
1	5	1	473	471	471	472	472	472	861	11
	11	4	640	640	640	640	640	640	1280	21
	5		526	533	531	527	532	533	1058	12
	1		254	254	254	254	254	254	408	14
3	15	12	647	647	647	647	747	647	1294	23
10	244	144	11555	11300	11328	11337	11307	11159	20291	425

APPENDIX.

No. of Companies.	I certify that I have examined the records of the clerks of these several Companies, and Report, opposite to the names of the companies, the condition of each.	Field and Staff Officers.							
		VERMONT MILITIA. AGGREGATE. ADJ. GENERAL'S RETURN—1843. No. of Reg't's.	Colonel.	Lieutenant-Colonel.	Major.	Adjutant.	Quarter-Master.	Chaplain.	Surgeon.
		1st							
6	Adjutant.	2d	1	1	1	1	1	1	1
8	William Chamberlain, do.	3d	do		do	do	do	do	do
5	E. S. Riddle, do.	4th	do	1	1	do	do	do	do
9	William C. Fox, do.	5th	do	do	do	do	do	do	do
10	Ferrand Parker, do.	6th	do	do	do	do	do	do	do
10	Emerson R. Wright, do.	7th							
8		8th	1	1	1	1	1	1	1
8	R. C. Smith, do.	9th	do	do	do	do	do	do	do
8	W. J. Odell, do.	10th	do	do	do	do	do	do	do
1	Abel Phelps, do.	11th	do	do	do	do	do	do	do
8	George H. Farrar, do.	12th							
	No return.	13th	1	1	1	1	1	1	1
8	E. B. Lathrop, do.	14th	do	do	do	do	do	do	do
10	Dan Gray, 2d, do.	15th	do	do	1	do	do	1	do
6	J. Dean, jr. do.	16th	do	do	do	do	do	do	do
10	C. J. Wright, do.	17th	do	do	do	do	do	do	do
8	James Cowles, do.	18th	do	do	do	do	do	do	do
8	A. L. Paige, do.	19th	do	do	do	do	do	do	do
8	W. G. Dickey, do.	20th	do	do	do	do	1	do	1
8	C. Ashcraft, do.	21st	do	do	do	do	do	do	do
8	M. H. Sessions, do.	22d	do	do	do	do	do	do	do
6	Minot Wheeler, jr. do.	23d	do	do	do	do	do	do	do
8	Royal Burnham, do.	24th	do	do	do	do	do	do	do
6	George B. Warren, do.	25th							
	No return.	26th	1	1	1	1		1	1
5	Stephen Dudley, Col.	27th	do	do	do	do	1	do	
8	L. W. Page, do.	Rifle	do	do	do	do	do	do	1
188	<i>Adj. & Insp. General's Office, } Montpelier, 23d Oct. 1843. F. W. HOPKINS, Adj. & Insp. Gen'l.</i>	Total	24	23	22	25	23	24	23

APPENDIX.

		Commissioned.						Non-Commissioned.							
Assistant-Surgeon.	Sergeant-Major.	Sergeant Quarter-Master.	Sergeant Standard-Bearers.	Drum-Major.	Fife-Major.	Captains.	First Lieutenants.	Second Lieutenants.	Third Lieutenants.	Cornets.	Master of Band.	Deputy Master.	Sergeants.	Corporals.	Clerks.
1	1	1	1	1	1	11	11	1					36	31	11
do	do	do	do	do	do	7	8	7	do	1			28	22	8
do	1	do	do	1	1	13	13	13	2	do	1	1	49	44	12
do	do	do	do	do	do	do	do	do	1	do	do		38	25	do
do	do	do	2	do	do	do	do	do	do	do			47	36	13
1	1	1	1	1	1	11	10	11	1	1	1	1	38	35	11
do	do	do	do	do	do	9	8	10					36	28	10
do	1	1	do	do	do	3	3	3					12	12	3
do	do	do	1	1	do	9	9	9					35	33	9
1	1	1	1	1	1	12	12	6					37	32	12
do	1	do	do	1	1	11	10	11					34	27	11
do	do	do	do	do	do	7	7	5					26	13	7
do	1	1	do	1	1	13	14	14	1	1	1	1	55	44	13
1	do	do	do	do	do	11	12	13	1	do	do	do	44	20	14
do	do	do	do	1	1	4	4	4					16	16	4
do	do	do	do	do	do	12	11	10	1	1	1	1	45	36	13
do	1	1	2	do	do	3	4	4	do				10	14	4
1	do	do	1	do	do	12	20	20	2	1			37	19	12
do	do	do	do	1	1	8	9	8			1	1	28	20	10
1	do	do	do	do	do	9	9	8		do	do	do	22	25	do
do	do	do	do	do	do	5	6	6		do	do	do	do	14	6
do	do	do	do	do	do	do	do	do					do	do	do
do	1	do	do	1	1	10	10	11	1	1			32	22	6
do	do	do	do	do	do	8	10	10	do		1		27	20	10
1	do	do	1	do	do	6	7	7		do	1		28	27	7
20	15	19	8	19	19	229	242	225	12	10	11	8	581	646	237

Privates.											
Musicians of Band.	Musicians of Companies.	Privates of Uniform Militia.	Privates of Enrolled Militia.	Privates of Uniform Militia in uniform.	Privates of Uniform Militia not in uniform.	Number present.	Number absent.	Aggregate—including field, staff, commissioned, non-commissioned, musicians, and privates.	Number of companies.	Iron or brass — pounder.	Lumber.
	30	205	800			689	336	1036	11		
6	29	139	409	64		386	115	603	8	1	4
15	33	190	609	149	41	610	456	1013	13	1	
6	52	151	725	107	60	593	283	1062	13		
	46	127	695	73	59	506	352	997	13		
14	46	214	638	228		698	165	1029	12		
	45	129	675	92		610	194	960	10		
	12	91	89	62	27	134	46	222	3		
	33	43	721			430	251	914	9	1	
	52	121	807	111	67	678	236	1046	13	1	1
	39	427	735	278	163	252		1201	14		
	19	38	298			279	51	428	7		
14	61	206	701	191	17	1048		1149	15		
	49	267	856	243	7	844	279	1320	14	1	
	12	198	829	170	28	800	227	1027	12	1	1
12	51	253	696	173		698	251	1012	13	1	
	24	146		127		127	36	230	12	1	1
	40	238	833	181	57	851	162	2911	12	1	1
10	36	131	628	106	36	676	125	901	9		
11	42	118	662	118		738	42	742	10		
16	23		743			554	189	856	6		
	42	231	433	185	46	428	102	807	11	1	
18	41		819			776	202	988	11	1	
13	23	282		198	89	206	91	413	7		
135	911	4048	14741	2921	597	14043	4414	23558	267	11	8

APPENDIX.

Cavalry.					Rifle.			Light Infantry and Infantry.				
Saddles and Bridles.	Valises.	Breast Plate and Crupper.	Cartridge Box.	Sabres.	Rifles.	Powder Horns and Belts.	Bullet Pouches.	Muskets.	Bayonets.	Bayonet Scabbards and Belts.	Cartridge Boxes and Belts.	Knapsacks.
28	28	28	28	28	80	56	56	90	26	26	26	26
32	32	24	20	32	73	73	73	277	277	277	277	277
24	24	24	24		80	50	50	514	515	491	493	537
35	35	35	35	35	67	67	67	80	80	80	80	80
21	20	19	21	20	60	49	49	454	448	432	429	407
44	44	44				95	95	608	608	608	608	608
					112	72	72	530	498	452	461	457
					90	46	46	76	79	2	2	
					80	80	80					
					45	44	45	303	257	263	261	272
								153	152	102	102	104
								328	328	328	328	328
					102	102	101	771	771	735	735	735
					103	100	100	662	663	633	633	633
32	32	32	32	32	80	69	69	90	90	90	90	31
24	24	24	24	24	85	85	85	574	574	574	574	574
					95	95	95	90	90	90	90	90
34	34	34		34				758	758	758	758	758
					59	56	56	562	561	510	511	511
					80	68	68	730	730	678	678	678
								526	533	531	527	532
36	36	36	30	30	104	99	99	90	90	51	51	51
					56	56	56	647	647	647	647	647
					183	183	189					
310	309	300	214	235	1714	1575	1595	9355	9205	8795	8747	8710

APPENDIX.

Priming Wires and Brushes.	Spare Flints.	Swords and Belts.	<p>D.</p> <p>VERMONT MILITIA.</p> <p>GENERAL STAFF.</p> <p>ADJT. GEN'S. RETURN, 1863.</p>	
26	970	25	Adjutant General,	1
277	554	15	Quarter Master General,	1
493	952	88	Aids de Camp,	4
80	80	17	Judge Advocate General,	1
432	893	46	Majors General,	3
			Division Inspectors,	3
608	1216	25	Judge Advocates,	3
449	446	27	Aids de Camp,	6
2	4	7	Quarter Masters,	3
			Brigadier Generals,	9
			Brigade Inspectors,	9
289	302	14	Judge Advocates,	9
104	112	7	Aids de Camp,	9
328	328	19	Brigade Quarter Masters,	9
735	1470	32		—
633	1266	40	Aggregate,	70
31	62	3		
574	1148	20		
		58		
758	1516	48		
511	939	17		
678	1366	24		
523	1058	15		
51	102	38		
647	1406	84		
6617	16585	689		

SUPERINTENDENT'S REPORT OF THE VERMONT STATE PRISON.

To His Excellency, the Governor of the State of Vermont :

The Superintendent of the State's Prison respectfully submits the following report :

On the first of October, 1842, the number convicts in the Prison was	73
Received during the year,	23
	—
Total,	96
Discharged during the year by expiration of sentence,	18
by pardon,	1
by death,	1
escape,	1
by the Governor,	8
Taken for new trial by order of court, and returned on new sentence, 2	—
Total,	31
Leaving in prison, October 1, 1843,	65

Their present employment and condition are as follows: 30 in the shoe shop, 2 in the blacksmith shop, 1 in the gun shop, 7 carriage making, 3 basket making, 2 in the cook room, 1 tailor, 1 painter, 1 cooper, 1 washer, 1 wood sawyer, 1 yard waiter, 1 prison waiter, 1 hospital waiter, 2 lumpers, 3 in cells unable to labor, 6 sick in hospital, and 1 in solitary confinement under sentence of death; total 65.

The conduct of the convicts generally has been good, rendering frequent and severe punishment unnecessary, to enforce obedience and establish good discipline. The mode of punishment, however, has been varied, according to the nature of the offence and the disposition of the offender, as in my humble judgment would best effect his reformation. In pursuance of this object, I have erected an apparatus to punish with cold water, on the plan of the Auburn prison, which has exerted a very salutary influence in subduing the refractory, saving time and the loss of health, caused by the former mode of solitary confinement.

During the present year sickness has been unusually prevalent. In June last the influenza, a prevailing disease of the country, made its appearance in the prison, and before it subsided nearly every inmate was confined with it, leaving some, since then, in a condition unable to labor.

The old wooden bedsteads in the cells were found to contain numerous insects, which infect such places not usually well cleansed, and notwithstanding the commonly used means were resorted to, to destroy them, in a few weeks after, such immense numbers were again found, as to be swept up by handfull. In order, therefore, to make a clean sweep, I removed all the old wooden bedsteads and substituted others of iron in their

places, such as are used in other prisons for like purposes, which have entirely obviated the use of those means heretofore employed without effect to destroy them.

On entering upon the duties of my appointment, by advice of the Directors, I closed the copartnership of L. Damon & Co., and since that time, the convicts able to work, with few exceptions, have been in the employment of the State, manufacturing such articles only as could be done by the convicts themselves, and such as could find a ready market in exchange for the produce of the country. As to the final result of this copartnership, in a pecuniary point of view, I am unable at present to state definitely, the returns of sales in Boston not having been received by Mr. Damon, who has charge of its concerns, in season to effect a settlement.—The accounts, however, have been transferred to the prison books and are included in balances of accounts; and I have so far examined into its transactions as to enable me to form the opinion that *no gain*, but a *loss* will be realized, on the winding up of its affairs.

On the prison books are demands against Damon & Cotton—the facts of which were reported in 1839 by Mr. Brown, then Superintendent of the prison, and by him put in suit for collection in this State against Furbush & Townsend, of Boston, Mass. In relation to this claim, I have been advised, that, as no suit was commenced against the persons or property of the defendants, the judgment obtained will avail nothing in Massachusetts, where the defendants reside; and that if any further action is deemed necessary to enforce the collection of this claim, another suit must be commenced, as I am informed the payment ever has been and probably will be resisted.

On examination of the books of the old engine company, consisting of the Prison and I. W. Hubbard, I found that he paid the debt of the company to the prison, excepting the interest, by charging himself on the prison book, while he was Superintendent, with the sum of five hundred two dollars and fifty-four cents. Including this sum, the books show the amount of nine hundred ninety-two dollars and seventeen cents due from the company to said Hubbard. Many open accounts still show balances due the company from debtors in the Western States and elsewhere, some of whom are reported irresponsible; and Mr. Hubbard claims all the available accounts, to cancel the indebtedness of the company to him.

The tannery is of little or no value in connection with the prison. I succeeded in renting it the past year for fifty dollars, but the lessee has abandoned the occupation of it, for the want of water; and could this evil be surmounted, I am of opinion that it could not be carried on by convict labor successfully, situated as it is, out of the walls of the prison.

The fiscal concerns of the prison will be seen by reference to the report of the Directors. A large amount of the notes and accounts due the prison, included in their report, are of long standing and are not at present available, and can never be collected.

In comparing this report with the reports of the prison for several of the last preceding years, a greater pecuniary *loss* will appear to be sustained in the management of the prison this year; while the *fact* is otherwise, and easily proved, by reference to the actual expenses incurred during those years. During the last five years preceding my appointment there has been, by appropriations of the State and drawn from the Treasury, the sum of twenty-five thousand nine hundred ninety-one dollars and sixty-five cents, to defray the expenses of the prison in those years; the average being more than five thousand dollars per annum; still leaving a balance

of the debts then contracted and yet unpaid of more than three thousand dollars; and no part of said appropriations has been applied to the expenses of the present year. Some may suppose that the income of the present year is less and the expenses more than has been absolutely necessary; yet I am confident no reasonable foundation exists for such an opinion, and will appear so, on taking into consideration the *fact* that *many* of the most effective and profitable convicts have been discharged during the year; several others were received incapable of earning their food and clothing. The sickness already alluded to, taken in connection with the small number of laboring convicts, while the same number of officers and more fuel and lights were of necessity required; these and other like causes have unavoidably operated to reduce the income, and consequently leave the expenses of the prison about the same as in other years.

Accompanying this is the Physician's report, and a list of the convicts, with the time of commencement and expiration of their several sentences. All of which is respectfully submitted.

CHIPMAN SWAIN, Sup't Vt. S. Prison.

Windsor, Oct. 1843.

REPORT OF THE DIRECTORS OF THE VERMONT STATE PRISON.

To His Excellency, the Governor of Vermont:

In conformity to the provisions of the act of the General Assembly in relation to the State Prison, passed Nov. 10, 1841, making it the duty of the Directors to settle and liquidate the accounts of the Superintendent, and to make an inventory of the property of the Vermont State Prison, at its true value in money, the undersigned would submit the following report:

That upon an examination of the account of I. W. Hubbard, the former Superintendent, which accrued after the first day of October, 1842, to Dec. 1, we found his account balanced by the sum of \$485 18, which Mr. Hubbard states was the amount which his predecessor, Mr. Brown, agreed to allow him on his account, it being for overcharges made in the year 1839, in which condition it now remains.

After an examination of the present Superintendent and the book keeper, under oath, and examining the accounts kept at the Prison, we found that the Superintendent should be charged with the sum of \$308 76 for cash and sundries received by him since Dec. 1, 1842, and that he should be, and was allowed the sum of \$815 47, in which sum is included services rendered by his family, and his salary, as fixed by the General Assembly, for services as Superintendent.

The undersigned would remark, that upon entering upon the duties of their appointment, they deemed it advisable, that all partnership of the State with individuals should cease, and consequently recommended the Superintendent to close the copartnership of L. Damon & Co., in the shoe business, and it was effected the 8th of December.

In regard to the tannery connected with the Prison, the undersigned would say, that it has been valueless the past year, for a want of a sufficient supply of water, and they are of the opinion, that the disposal of the building and fixtures would best conduce to the interests of the State.

The papers accompanying this report, marked A, B, C, D, present, first, the business operations of the several shops and departments of the Prison, in which the income exceeds the disbursements; second, those departments which show the expenditures; third, an aggregate of the personal property as appraised at the Prison by the Directors; fourth, an abstract of the profit and loss account of the whole, by which it appears that the expenses for the last year have exceeded the income, two thousand seven hundred and thirty-seven dollars and sixty-five cents.

The undersigned would state, that many items in the inventory of 1842 they regarded as of little or no value, and they have appraised much of the property at a lower rate than has been inventoried.

All which is respectfully submitted.

ABNER FIELD,
STEPHEN PRENTISS, } Directors.
DANIEL DENISON,

October, 1843.

(A.)

INCOME FROM OCT. 1, 1842, TO OCT. 1, 1843.

CARRIAGE SHOP.	
Stock and tools on hand, Oct. 1, 1842,	\$3,250 73
Since purchased and transferred to other accounts,	1,947 30—5,198 03
Received and charged for sundries sold,	2,681 92
Stock and tools, & finished work on hand, Oct. 1, 1843,	3,260 75—5,942 67
Exceeding the disbursements,	\$744 64
GUN SHOP.	
Stock and tools on hand, Oct. 1, 1842,	1,368 19
Sundries since purchased and transferred to other accounts,	84 81—1,453 00
Sales during the year,	260 50
Stock and tools on hand, Oct. 1, 1843,	1,275 37—1,535 87
Exceeding the disbursements,	82 87
SHOE SHOP.	
Stock and tools on hand, Dec. 1, 1842,	5,472 72
Stock since purchased and accounts transferred,	12,356 89—17,829 61
Sales during the year,	12,069 85
Stock and tools on hand, Oct. 1, 1843,	7,663 90—19,733 75
Exceeding the disbursements,	1,904 14
PRISON ACCOUNT.	
Sundries on hand Oct. 1, 1842,	1,395 38
Articles since purchased,	875 11—2,270 49
Articles sold and transferred to other accounts,	761 11
Sundries on hand, Oct. 1, 1843,	1,711 09—2,472 20
Exceeding the disbursements,	201 71
ADMITTANCE.	
Fees received from 1170 visitors,	146 25
CONTRACT ACCOUNT.	
Labor of convicts in shoe shop, previous to Dec. 8, 1842,	816 29
Ditto in tannery and gun shop,	114 34
	930 63
TANNERY.	
Use of Tannery previous to Jan. 1, 1843,	12 50
Total amount of income,	<u>\$4,022 74</u>

(B.)

EXPENDITURES FROM OCT. 1, 1842, TO OCT. 1, 1843.

PROVISIONS.

Provisions on hand Oct. 1, 1842,	\$342 81	
Provisions since purchased,	3,204 83—3,547 64	
Articles sold and transferred to other accounts,	513 21	
Provisions on hand, Oct. 1, 1843,	780 06—1,293 29	
Leaving amount consumed,		\$2,254 35

CLOTHING AND BEDDING.

Articles on hand, Oct. 1, 1842,	79 65	
Sundries since purchased,	839 18—918 83	
Articles sold and transferred to other accounts,	78 41	
Clothing and bedding on hand Oct. 1, 1843,	582 42—660 83	
Expended for clothing and bedding,		258 00

REPAIRS.

Timber, boards, &c. on hand, Oct. 1, 1842,	27 75	
Since purchased,	14 55—42 30	
Sundries sold,	1 23	
Sundries on hand, Oct. 1, 1843,	25 00—26 23	
Expended for repairs,		16 07

FUEL AND LIGHTS.

Fuel and lights on hand, Oct. 1, 1842,	455 20	
Fuel since purchased,	534 55—989 75	
Sold and transferred to other accounts,	74 74	
On hand, Oct. 1, 1843,	346 49—421 23	
Expended for fuel and lights,		568 52

EXPENSE AND PAY ACCOUNT.

Salaries of Superintendent, Chaplain and Keeper, pay of Clerk, Shop Keepers and Guards, including cash paid discharged convicts, postage bills, &c.		3,663 45
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Total amount of expenditures,		6,760 39
Total amount of income,		4,022 74
Balance of expenditure over income,		2,737 65

(C.)

PROPERTY.

Finished work, stock and tools in carriage shop,	\$3,260 75
Ditto in gun shop,	1,275 37
Ditto in shoe shop,	7,663 90
Furniture, fire and steam engines, and sundry articles of personal property under the head of "Prison,"	1,711 00
Clothing and bedding on hand,	582 42
Fuel and lights on hand,	346 49
Provisions on hand,	780 08
Timber, boards, &c. for repairs,	25 00
Cash on hand,	22 44

BILLS RECEIVABLE.

Notes receivable,	\$1,866 90
Balances due on book accounts and contracts,	8,895 78—10,762 68
	<u>26,430 13</u>

LIABILITIES.

Notes payable,	7,026 73
Sundry credits on book,	6,878 35
Total,	<u>13,905 08</u>

(D.)

EXPENDITURES AND INCOME FOR THE YEAR ENDING
OCT. 1, 1843.

EXPENDITURES.		INCOME.	
For provisions,	\$2,254 35	From Carriage Shop,	\$744 64
Clothing and bedding,	258 00	Gun Shop,	82 87
Repairs,	16 07	Shoe Shop,	1,904 14
Fuel and lights,	568 52	Prison account,	201 71
Expense account,	3,663 45	Admittance fees,	146 25
		Contract account,	930 63
		Tannery account,	12 50
		Balance being loss,	2,737 65
	<u>\$6,760 39</u>		<u>\$6,760 39</u>

REPORT OF THE CHAPLAIN OF THE VERMONT STATE PRISON.

The Chaplain of the State Prison respectfully submits the following report:

Since the first of December, 1842, when my duties as Chaplain of the State Prison commenced, the usual religious services, daily and on the Sabbath, have been regularly maintained.

The services on the Sabbath have usually been those common in our churches, except that in most cases instead of a sermon in the morning, an expository lecture has been substituted, at the close of which the prisoners have been encouraged to make inquiries relating to the chapter or passage under consideration. This has been done both for the purpose of fixing attention and exciting interest, and in order to develop and meet more fully the state of thought on religious subjects, prevalent among them.

The prisoners have also been visited from cell to cell, in sickness and in health, as circumstances seemed to require; and a considerable number of them have been under a regular course of instruction in reading.

That the services of the Sabbath may proceed in a becoming and impressive manner, it is necessary that a choir of prisoners should be able to sing in such a manner as at least not to disturb religious feeling and serious attention. In the frequent change of prisoners, and without opportunities to sing except on the Sabbath, this important part of religious worship must naturally, without some special care, not only lose its interest and salutary influence, but become absolutely unpleasant and detrimental, if attempted at all; and to omit it, is a measure not to be thought of except in case of absolute necessity. Measures were therefore taken at once, and have been regularly pursued, to instruct and discipline a choir. Such of the prisoners as gave promise of deriving advantage from it, have been put under a regular course of instruction in the principles of vocal music, with suitable exercises. It has been an object to make the instruction thorough, and to cultivate such habits of accurate thought and correctness in execution as can hardly prevail in regard to any employment without a salutary influence upon the general character. This important object, it was found, could be secured, without interference with the business or discipline of the prison. The members of the choir have been interested in the study; and the result, as seen in our Sabbath services, is decidedly happy.

In all these labors, and in everything affecting the moral and religious interests of the prisoners, I am happy to acknowledge the very cordial co-operation of the Superintendent and Keeper. Not only have they been ready to give me every facility in the discharge of my own duties, but they have ever shown themselves anxious to do what they might for the instruction and the moral and religious interests of the prisoners. Without such cordial co-operation—a co-operation manifest to the prisoners themselves in the example and spirit of those to whose care they are entrusted, a

Chaplain must labor under great disadvantages, and so far as reformation is concerned, the prison cannot be expected to accomplish its end.

The results of such labors can never be a matter of very certain and definite report; and especially are we liable to mistake, and to doubt, in regard to such men. It has been a constant aim to present to the prisoners the truths of Christianity, and the principles of duty, in so plain a way, and with such practical application, as to command attention and fix them in the memory; and thus to supply, in such degree as may be done at so late a period of life, the want of early religious instruction and culture. Very few among them, if any, so far as I am able to learn, were educated in the bosom of families both pious and well instructed in religious truth; and in the vast majority of cases there was evidently a very serious deficiency in both respects, in comparison with the average state of families in our community. Very few have been soundly taught in regard to the truths of Christianity, either at the fireside or by the preaching of the Gospel. Of course their minds have been open to the attacks of unbelievers, and the cavils and perverse interpretations of ignorant, unstable, or wicked men. To bring such persons into a teachable state of mind, and prepare them to listen respectfully to religious truth, it is necessary that the cavils and misconceptions that occupy their minds should be met in such a way as to show that truth and its friends have nothing to fear from them. Accordingly, at the expository lecture, and in conversation with individuals, it has been an object to avoid no difficulty, and to dismiss no question, without a satisfactory solution and answer. I have reason to believe that in this respect the labors of the Chaplaincy have not been without their influence, and that there has been a decidedly increasing respect among the prisoners for the truths and claims of the Word of God. How far any of them may have been reached by the more direct inculcation of truth in its claims upon each individual—which, of course, has, after all, been the main purpose of the Chaplain's labors—it must be left for the future to determine.

Intercourse with such a body of men naturally suggests inquiries respecting the causes of crime and the means of prevention. In regard to these, I can report no new discoveries, and have no new suggestions to make. There are some facts, however, that cannot be too strongly impressed upon the public mind, and to which I may briefly advert without being thought to go beyond the sphere of my official duty.

In the first place it is worthy of remark, that the number of inmates in the prison is rapidly diminishing. Other causes may have influence in producing this result, but it must be attributed mainly to the diminution of crime among us. While our population is increasing, the number of convicts, instead of keeping pace with it, diminishes; showing a greater actual diminution than a mere comparison of the annual State Prison returns would suggest.

Another noticeable fact is, that of the whole number of prisoners only about one-third are natives of this State; and that the number of foreigners—natives of Canada, England and Ireland—is greater than that of those born among us. This fact shows that the number of convicts under our laws does not do the State justice as an index of the character of our population and the tendency of our institutions. The number of persons of foreign birth among us is comparatively very small; and yet that small number furnishes one-third of the convicts.

Again, it should be remarked that, in regard to the natives of Vermont, there was not only in most cases some palpable deficiency or wrong at the

fireside in regard to early training, but it is found that they frequently came from neighborhoods in which the Sabbath was disregarded, and the people as a body uneducated and vicious. In fact, more than two-thirds of the convicts acknowledge themselves to have been habitual Sabbath-breakers; not only frequent neglecters of public worship, but generally regardless of the salutary restraints by which the law of the State guards the Christian Sabbath, and sets it apart for the moral and religious culture of the community.

Intemperance is another prevailing characteristic among the prisoners. I do not find, however, the proportion of intemperate persons so great as it was shown to be generally in prisons by an extensive examination made several years ago; and in the progress and influence of the reformation that has of late been effected in regard to the use of intoxicating drinks, we ought doubtless to recognize one and probably the most powerful cause of the decrease of the number of convicts. Facts, however, still warrant the belief, that, but for intemperate drinking, one-third, at least, of the present inmates of the prison, might have been saved from the paths of crime and woe; and we are strongly admonished of the impolicy, to use no stronger term, of giving the sanction of our civil or judicial authorities, in any form or in the least degree, to a traffic like that in ardent spirits as a beverage. The part which that traffic has, in filling our prison, and increasing the expense of criminal prosecutions, is probably no greater, proportionably, than what it does towards perpetuating and increasing pauperism and the other evils of society.

When I look over the names of these men, and reflect on their history, I cannot resist the conclusion that such depravity and its consequences might in most cases have been prevented. Cases there doubtless may be, of natural perverseness and of unfortunate subjection to, and association with, the unprincipled and vicious, that are beyond the immediate reach of any measures that the Legislature could properly adopt. But certainly it is not always so; and my conviction is, that these crimes and this punishment among natives of Vermont, may in most cases be traced to practices very much within the legitimate control of the legislative power, and in regard to which the Legislature has, by its habitual action, acknowledged itself responsible. It cannot be passing the bounds of respectful duty for one under whose notice these facts officially come, to invite attention to them, and to ask whether the depravity of general character, the guilt, the suffering, and the expense which result from intemperance among us, may not be diminished by measures which it would be both safe and wise to adopt; and if the like results flow from defects in our school system, to suggest the serious consideration of that also, with a view to such improvement as may be within the reach of the Legislature. In many respects the character of the sons of Vermont is formed under more or less direct legislative control. On it they depend for important guardianship and means of improvement. And sad would be the reflection, if, through legislative agency or neglect, any of these should not only be lost to society for the noble purposes of mutual improvement and happiness, but become to it a burden and a curse.

E. C. TRACY, Chaplain.

Windsor, Oct. 14, 1843.

PHYSICIAN'S REPORT.

To Hon. Chipman Swain, Superintendent Vt. S. Prison :

In looking over the medical affairs of the establishment under your charge, a few things present themselves to my mind as worthy of notice.

The only death that has occurred amongst the convicts within the past year, is Wheeler, an old man, who suffered for several months with chronic bronchitis.

The whole amount of sickness has been much greater this year, than for several of the preceding years. The hospital which had been closed for many months, was opened very early in the winter, and has remained so nearly all the time since. We have generally had from four to six patients all the time. In the early part of the summer, more than half the convicts were under treatment for influenza, and nearly the whole force of the Prison, was engaged in taking care of the sick.

This most singular outbreak of sickness, was nearly coincident in point of time, with a similar occurrence in the Ohio State Penitentiary. Although several of the convicts were in a dangerous situation, yet none of them died. Some of them, however, have not yet recovered from the effects of the disease.

Of individual convicts who seem to claim any notice on this occasion, two or three only need be named.

Peter La Force and Irwin, are both of them likely to remain invalids. Peter is unable to work at all, and is the subject of convulsions. Irwin, although in the shop, is becoming more and more feeble, and will not be able to do much more labor. He would probably be much improved in health, if he could be returned again to the world. Peter, too, would be more likely to recover, if released. He is becoming childish, and upon the whole, would be better under the care of his natural friends, than here. His mind is evidently becoming affected by disease.

Fox may also be returned as a permanent invalid; he is loaded down with disease. Varicose ulcers of the leg, fistula in ano, and chronic disease of the lungs, will be his companions for life, and in their deadly embrace he must sooner or later sink. He wishes much to go free, and doubtless is as deserving of Executive clemency, as any invalid here.

The want of a good hospital, has been felt this season very severely.— The patients have been well taken care of as it now is, but we are compelled in case of sickness, to draw off the most efficient hands in the Prison to take care of the sick. Were the hospital within the walls of the new Prison, it would be otherwise, and would be carried on with much less expense.

The above is respectfully submitted,

By your ob't servant,

ED. E. PHELPS, M. D., Physician Vt. S. Prison.

Windsor, Oct. 14, 1843.

VT. ASYLUM FOR THE INSANE.

OFFICERS OF THE ASYLUM—1842-3.

BOARD OF VISITORS,

HON. CHARLES K. WILLIAMS,
" **STEPHEN ROYCE,**
" **ISAAC F. REDFIELD,**
" **MILO L. BENNETT,**
" **WILLIAM HEBARD.**

COMMISSIONER FOR THE INSANE POOR,

HON. CHARLES PAINE.

TRUSTEES,

SAMUEL CLARK, ESQ.
EPAPHRO' SEYMOUR, ESQ.
ASA KEYES, ESQ.
N. B. WILLISTON, ESQ.

SUPERINTENDENT AND PHYSICIAN,
WILLIAM H. ROCKWELL, M. D.

ASSISTANT PHYSICIAN,

SAMUEL B. LOW, M. D.

MATRON,

MRS. D. K. BAKER.

REPORT.

To the Hon. the General Assembly of the State of Vermont :

The Trustees of the Vermont Asylum for the Insane, would respectfully present their

SEVENTH ANNUAL REPORT:

In noticing the operations of the past year, the trustees are happy to state that the accommodations and facilities, for the comfort and recovery of the insane, have gradually increased and improved; that the officers and assistants have faithfully and judiciously attended to the trusts committed to them; and those who have resorted to this institution for aid, have received that relief, which individual efforts would have in vain attempted to afford.

The judicious management, improved condition, and uninterrupted success of the Asylum, from its first opening to the present time, is a source of much satisfaction to the trustees, and the many friends of the institution. The past year has been one of undiminished prosperity. A larger number of patients has been received and restored, than during any former year. They have suffered from no epidemic or prevailing disease, and have enjoyed a good degree of health and comfort.

During the past year two hundred and twenty-four patients have received the benefits of the Asylum. One hundred and eleven have been admitted, eighty-eight discharged, and one hundred and thirty-six now remain. Since the opening of the Asylum, five hundred and thirty-five have partaken of its advantages. Three hundred and ninety-nine have been discharged, of whom two hundred and thirty have recovered, being more than fifty-seven per cent. So great is the difference of the results in the old cases and those which are recent, that it is very desirable that those who intend to place their friends in a public institution, should do so in the commencement of the disease.

The amount of suffering which is removed, and the relief which is afforded to the insane poor of this state through their Commissioner, is very great. And as the selectmen of the several towns can make application *at all times* to the Commissioner, it is hoped they will always seek relief in the earlier stages of the disease, before the patient has passed into an incurable state. By this means, a larger number will be restored and a greater amount of good received.

Another year's experience confirms our former opinion that useful employment in the open air is the best moral means for the restoration of our male patients. It affords healthful exercise for the body, and at the same time, discoursing on the various modes of agriculture furnishes equally healthy exercise for the mind. As the management of the farm is under the direction of a practical farmer, its produce contributes much to the support of the establishment. Improvements are yearly made on the farm, and it will undoubtedly continue to yield an increased income.

As far as it is practicable, our patients are employed in the same pursuits which they followed before they were insane. When that cannot be done, we employ them in that occupation which is most analogous to it.— We find this course to be most conducive to their recovery and profitable to the institution. The various employments about the establishment in the cultivation of the ground, in the several workshops, and in the extensive domestic employments, have all become sources of enjoyment, and relieve the mind from the dull monotony of the galleries. There is one fact proved by the experience of all institutions of this kind, that those who are constantly occupied in some useful employment recover in greater proportion than those who exercise only for amusement.

In consequence of the success in employing our inmates, and the increased income from the increased number of patients, without a corresponding increase of expense, as the number of officers remain the same, we have reduced the terms to two dollars per week, or one hundred dollars per year, if the patient remains so long in the Asylum. It has always been the design of the trustees to have the expenses of supporting a patient at the Asylum as low as possible, consistent with the comfortable support of the institution, and it is now believed that the terms are brought within the means of all who wish to receive its advantages.

By the Superintendent's statement of the income and expenses of the Asylum for the past year, it is gratifying to the trustees to find there is a balance of \$448 46 in favor of the institution. After making proper allowances for those debts which are not collectable, it is probable that the balance in favor of the institution will be small.

The present building is fast filling with patients. The right wing, which was built too small, needs enlarging, as well for the accommodation and comfort of the inmates, as to preserve the just and proper proportions and symmetry of the building. It is sincerely hoped that the legislature will not fail to grant that assistance for this object which is so urgently needed. We trust that the same fostering care and generous support which they have hitherto extended, will be continued to this institution, and that the "blessings of many who are ready to perish" will attend all who assist in relieving this greatest of human afflictions.

SAMUEL CLARK,
E. SEYMOUR,
ASA KEYES,
N. B. WILLISTON.

Brattleboro', October 9th, 1843.

**ABSTRACT OF THE GENERAL EXPENDITURE FOR THE
ASYLUM, FOR THE YEAR ENDING SEPT.
30, 1843.**

Stores, provisions, fuel, &c.	\$7,481 29
Salaries and wages,	3,243 78
Medical supplies,	217 84
Improvements and repairs,	1,372 34
Furniture, bedding, clothing, &c.	591 28
Contingencies,	148 62
	\$13,050 15
Income from Board of patients, &c.	13,496 61
	448 46

The patients have been from the following places :

From Vermont,
Maine,
New Hampshire,
Massachusetts,
Connecticut,
New York,
New Jersey,
Ohio,
Territory of Iowa,
Upper Canada,
Island of Bermuda.

SEVENTH ANNUAL REPORT OF THE PHYSICIAN AND SUPERINTENDENT OF THE VERMONT ASYLUM FOR THE INSANE.

The number of patients remaining at the close of the year,	113
There have been admitted during the year	111
	224
Total enjoying the benefits of the Asylum,	224
There have been discharged during the year,	88
	136
There remain, Oct. 1st., 1843,	136
Of the 88 cases discharged there have	
Recovered,	51
Not recovered,	26
Died,	11—88
Of the 40 recent cases discharged there have	
Recovered,	35
Not recovered,	2
Died,	3—40
Of the 48 chronic cases discharged there have	
Recovered,	16
Not recovered,	24
Died,	8—48

Recovered of all the cases discharged the past year, 58 per cent.
 Recovered of all the recent cases discharged the past year, 87.5 per cent.
 Recovered of all the chronic cases discharged the past year, 33.3 per cent.
 Recovered of all cases discharged, 57.64 per cent.
 Recovered of all recent cases discharged, 86.77 per cent.
 Recovered of all chronic cases discharged, 30.16 per cent.

Since the opening of the Asylum 535 patients have been admitted, 390 been discharged, 136 remain in the institution.

Of the 535 patients who have been admitted, 230 have recovered, equal to 42.97 per cent. ; 32 have died, equal to 5.98 per cent.

We have passed another year of prosperity, which demands our gratitude to that kind and beneficent Being who controls all events, and without whose blessing all human efforts are vain.

Here we would again repeat the oft-told remark, the importance of placing the insane in the commencement of the disease under proper curative treatment. Few diseases yield more readily to proper treatment than insanity, in the first stages of the disorder ; and none more difficult after the functional is succeeded by an organic disease.

Although it is now better understood that it is necessary to place the insane under curative treatment in the first stages of the disease, still many

do not seem to realize its importance. There are many cases which come on so gradually and almost imperceptibly, that even their friends do not recognize their insanity. Even when they do notice some slight aberration, they neglect it, if the patient is not mischievous and does no violence. In this manner, hoping that the patient will recover at home, they lose the only opportunity of restoring the patient, and the diseased action is allowed to go on until diseased organization has taken place, which renders the patient forever incurable.

Those who are conversant with the history of crime, cannot be insensible of the large number of cases of violence and murder committed by the insane. The motives which induced them are various; sometimes from feelings of revenge for some real or fancied injury, and sometimes from kindness to their victims, to save them from the miseries which they fancy are inevitable. The minds of the insane frequently change, and they are never safe so long as they are suffered to go at large. An insane man when under high excitement is always dangerous. Hence the importance of early restraint for the safety of the public, as well as the most effectual means of a speedy restoration of the insane sufferer.

It has frequently been a source of regret, that some of our patients should be removed when there was a fair prospect of being restored, if allowed sufficient trial. This has been caused, first, by the inability of friends to support them longer in the asylum, and secondly, by an impatience for an immediate restoration; and sometimes on visiting them at the asylum, the friends have found them so quiet, that they supposed they would perfect their recovery as well at home as at the asylum. We frequently have patients who appear well so long as they remain with us, but immediately become insane as soon as they return to their friends. The regular system of management which pervades the establishment keeps the mind quiet and tranquil; but as soon as the patient is permitted to go at large and be exposed to the usual trials and perplexities of life, he loses his self-control, and the balance of his mind is destroyed.

We have endeavored to furnish employment to all of our inmates who were in a condition to be employed. As a large majority of our male patients were agriculturists, we have employed them more or less on the farm and in the garden. We have an excellent farm under the guidance of a practical farmer, which furnishes much employment, and yields a large amount of produce. A large quantity of land could be cultivated very profitably and usefully. We could cultivate twice the quantity of land which we now possess, without hiring any additional assistance, and the healthy employment it would furnish would greatly assist in the restoration of our patients.

We have a shop, furnished with joiners' and carpenters' tools, and we employ those who are accustomed to their use in repairing our buildings and fences, and also in making and repairing furniture for the establishment. We find that patients recover sooner by employing them in their former occupation, than in those to which they were never accustomed. It seems to awaken their former associations, and the mind is more readily drawn into its natural current of thought and ideas—leaving its late wild and extravagant notions.

We have also a shoe-maker's shop, in which we employ those who have been accustomed to the business, and which also furnishes useful employment to some of our inmates. But as the bending posture in which they are obliged to sit is unfavorable to their health, we do not encourage this employment so much as others which are more favorable to their recovery.

We find that it would be difficult to make any of those pursuits profitable, if we did not accomplish the whole among ourselves. Were we to hire a man with a high salary to manage the farm or garden, or conduct either of the work-shops, they would at once cease to be a source of income to the institution. Besides, it would not be so favorable for the recovery of the patients. Now, when a piece of work is required, either in the work-shop or on the farm, the patient feels a pride in the confidence that is reposed in his judgment, and it serves to create a self-respect, which is one of the greatest means towards his restoration. It is different from the servile labor which is performed in a prison, under the direction of the overseers.

During the past year we have published a small newspaper, called the *Asylum Journal*, which has exerted a beneficial influence on the comfort and recovery of the patients. We have had more than two hundred exchange papers, besides many other periodicals, to the editors and publishers of which we would tender our most grateful acknowledgements. We have been able to furnish every patient with a newspaper from his own immediate vicinity, every politician with a newspaper of his own political views, and every sectarian with a religious periodical of his own peculiar sentiments.

Our obligations to the publishers of our exchange papers, and the gratification with which they have been read, has been well described in a former number of the *Asylum Journal*.

"To our exchange papers, we make our humble acknowledgements.—We have now upon our list upwards of two hundred, beside quite a number of daily papers, and many of the best periodicals in the country. We have not the presumption to suppose that our little *Journal* is at all equivalent to the many mammoth sheets it brings in exchange, nor is it wonderful that it should not be so, removed as we are from the mart of news, and swayed by 'crazy minds.' But could they know the infinite satisfaction they give to many of our inmates, they would be amply repaid. It is like a wanderer in a distant clime, stumbling suddenly upon a file of newspapers, printed in his own neighborhood—who for months and years, perhaps, has not heard from his native land. With what eagerness he seizes them, retires to his own apartment, runs them over and over—hastily at first, and more leisurely and minutely afterwards, lest some important item should be overlooked—gathering from them more than could be embodied in twenty voluminous epistles. And as he skips from advertisement to advertisement, it seems as if he were in reality once more in his native village, wandering from shop to shop, reviewing the long rows of well-filled shelves, and clasping joyously by the hand those with whose names he is so familiar. Like the first rays of the morning sun to him who hath been all night grovelling in the dark, they do much towards dispelling the heavy cloud that hangs over us, and shed the first dawn of reason upon our shattered minds.

"But our *Journal* will soon pass into other hands, and we shall pass into the bustling world without, again to contend with wayward fortune. Think you we shall ever forget the time we have passed within these walls?—Never! Our minds will oft recur to the varied scenes our bewildered fancies have conjured up,—whose impress, like some thrilling tale stamped upon the susceptible brain of childhood, neither time nor circumstance can ever erase."

We have increased our library the past year. We now number between four and five hundred volumes. During the past year our library has been

comparatively forsaken for the newspapers and other periodicals, which we have received in exchange for the Asylum Journal. The interest which this little paper has excited in our little community at the asylum, has had a very beneficial effect upon the minds of our patients. A small portion only are capable of writing for it, but many are employed in making selections, and this employment diverts the mind from its own delusions, and aids, with other means, in restoring its just balance. Our newspapers furnish a kind of reading which is not found in books. Many will look over a newspaper and read here and there an article, who would not open a regular treatise.

Those of our patients who have been students we employ to write and select for the Journal, and those who have been merchants and business men we employ to fold and direct the papers. Some who do not compose, assist by making selections and by copying extracts from books or papers. We find that the employing of our patients in writing, either by way of copying or of composition, to be very beneficial, as it diverts their attention from their delusions and presents new objects of thought for contemplation. We always furnish them with stationary, and the employing themselves in writing has apparently been a powerful means in their restoration. They are allowed to write on all subjects except those of their hallucinations.

Our attendants exercise such vigilance over their charge that the patients are allowed the greatest personal freedom and healthy employment with perfect safety to themselves and others. The employing of our patients is carried on with increased success. No accident has occurred to any one by allowing them the use of tools, or by any thing connected with their employment.

The convalescence of the patients will be hastened or retarded, in a great measure, by the character of, and the treatment they receive from their attendants. We have been very successful in finding those who were duly qualified by their intelligence, kindness and fidelity, without which all our labors would be comparatively useless.

We have not failed to furnish our inmates with suitable amusements.—The billiard table has furnished cheerful and healthy exercise for those who were accustomed to this amusement. We have had several dancing parties which have afforded much pleasant and healthy exercise. But we have found that those parties which were confined to one sex have had the most favorable influence. When both sexes have united in the same dance, we have noticed that the patients were more excited or less quiet than when the sexes have had their dancing parties separate. Our male patients play ball, quoits, chess, back gammon, cards, and other similar games.—Our females ride every fair day, besides the frequent walks which they take with their nurses. Some play battledoor, graces, and other amusements. Others engage in fine needlework, painting and music. A piano is furnished for those who have been accustomed to play on the same. We endeavor that all shall be employed more or less every day in some exercise, either of amusement or labor.

Religious exercises have been attended every Sunday in the Chapel.—These exercises are not the least important moral means made use of in the institution. On the Sabbath, our inmates hear the church-going bell, and were they deprived of all means of religious worship to which others have access, they would at once realize that they were prevented by a want of confidence in their behavior, which would discourage their laudable efforts at self-control, and depress their feelings of self-respect. We

have a good choir of singers, and many of the patients experience much enjoyment during the week days by singing in preparation for the Sabbath. This employment calls into exercise some of the faculties of the mind which had laid dormant, and has a salutary tendency to restore the lost balance of the mind. The effect of music on the rest is highly beneficial. During the religious exercises on the Sabbath a plain practical sermon is read, to which most of them listen with due attention. Many attend to relieve the dull monotony of the galleries, some attend because others do, and others for the purpose of sincere religious worship, which appears to be a source of the greatest comfort to them. From the commencement of the day most of them look forward with pleasant anticipations for the time of assembling, and thus the day, which would otherwise be very irksome, now passes cheerfully and pleasantly.

In consequence of the increased number of patients, we need an enlargement of the right wing. It is now twenty-seven feet shorter than the other, and it is necessary, to preserve the proportions and symmetry of the building, that it should be of equal length with the other. But a far greater reason is, we need the room for the accommodation of our patients. When this is finished, the building will be complete; and we trust the Legislature will furnish means for the same, as there will be no further need of any future appropriations.

In conclusion, I would make honorable mention of all who have assisted me in the duties connected with the institution; and encouraged by the success which has attended our past labors, we would commence another year with renewed zeal in this great cause of humanity, humbly trusting to a kind Providence for a blessing on our exertions.

WM. H. ROCKWELL.

Brattleboro', October 2, 1843.

TERMS OF ADMISSION.

The terms are two dollars per week, or one hundred dollars per year, if the patient remain so long in the Asylum. No patient will be received for a less term than three months, unless he recover before that time has expired.

No charges made for damages in any case.

Application for admission may be made to Dr. Wm. H. Rockwell, or either of the Trustees.

Patients are received from this and other States.

**GOV. PAINE'S REPORT IN RELATION TO THE
DEAF AND DUMB, THE INSANE POOR AND THE
BLIND, FOR THE YEAR 1843.**

To His Excellency, John Mattocks, Governor of Vermont :

The undersigned, under the direction of an act of the last Legislature, makes the following report in relation to the Deaf and Dumb, the Insane poor and the Blind :

He has admitted, and sent to the American Asylum at Hartford, three girls, as state beneficiaries, for the town of Waterford, Vershire, and Northfield.

He has drawn from the Treasury for the Deaf and Dumb, the sum of \$908 00.

He has paid to the Asylum,	\$825, 00
He has paid for conveying the three girls to Hartford,	55 00
Expense of visiting the Asylum for the Deaf, Dumb, and Blind,	28 00

\$908 00

He has drawn for, and paid to the Asylum for the Blind, for the support of the State beneficiaries, the sum of \$1,249 56.

During the present year, there have been no pupils sent to this Institution, as no applications were made in the proper season.

There have been admitted and received into the Asylum at Brattleboro', as State beneficiaries, twenty-seven insane persons, and the undersigned has drawn from the Treasury, and paid to this Asylum, the sum of \$911 15.

The undersigned believes that the appropriations, made by the State for the benefit of the Insane poor, are sufficient to relieve those who may now become insane from time to time,—but there are a great number of persons in the State who have been insane so long, as to render it improbable that they can be restored. These persons are in an extremely degraded and suffering condition, and if the Legislature can properly provide some means by which they may be placed in a more comfortable situation, it would be a most laudable act of humanity.

CHARLES PAINE,

October, 1843,

BANK COMMISSIONER'S REPORT.

To His Excellency, the Governor of Vermont:

The undersigned, Bank Commissioner, of the State of Vermont, respectfully reports that he has inspected the Banks of this State, subject to the provisions of the Act regulating the chartering of Banks, and finds the condition of those Banks to be as follows:

BANK OF MIDDLEBURY.

RESOURCES. —Notes discounted,		\$72,051 69
	Specie,	2,500 06
	Deposits in Boston and Troy,	62,939 91
	Due from other Vt. Banks,	1,732 34
	Bills of other Banks,	9,290 00
	Safety Fund,	2,700 00
		\$151,214 00
LIABILITIES. —Capital Stock,		\$60,000 00
	Bills in circulation,	72,095 00
	Deposits and certificates,	11,983 08
	Unclaimed dividends,	524 25
	Due to other Banks,	1,511 25
		\$146,113 58
August 19, 1843,		

BANK OF VERGENNES.

RESOURCES. —Notes discounted,		\$174,068 99
	Specie,	6,369 00
	Bills of other Banks,	10,550 00
	Deposits in Boston, Troy, N. York & Hartford,	21,633 97
	Due from other Banks,	322 00
	Real Estate,	2,500 00
	Safety Fund,	1,200 00
		\$216,643 96
LIABILITIES —Capital Stock,		\$100,000 00
	Bills in circulation,	89,456 00
	Deposits and drafts out,	24,602 97
	Dividends due,	814 20
	Due to other Banks,	5 00
		\$214,878 17
August 9, 1843.		

FARMERS' AND MECHANICS' BANK.

RESOURCES. —Notes discounted,	\$134,688 30
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Specie,	4,907 76
Bills of other Banks,	8,673 47
Deposits in Boston Banks, &c.	38,537 32
Real Estate,	10,520 62
Safety Fund,	4,725 00
	<hr/>
	\$202,052 47
LIABILITIES. —Capital Stock,	\$105,000 00
Bills in circulation,	67,476 00
Deposits and dividends due,	27,646 52
Due other Banks,	286 38
	<hr/>
August 16, 1843.	\$200,408 90
BANK OF ST. ALBANS.	
RESOURCES. —Notes discounted,	\$101,128 15
Specie,	3,626 66
Bills of other Banks,	7,189 26
Suspended debt over deposits,	7,339 04
Due from other Banks,	24,068 67
Real Estate,	1,400 00
	<hr/>
	\$144,765 78
LIABILITIES. —Capital Stock,	\$50,000 00
Bills in circulation,	75,808 00
Deposits and dividends due,	17,783 36
	<hr/>
August 8, 1843.	\$143,591 36
THE FARMERS' BANK.	
RESOURCES. —Notes discounted,	\$79,389 32
Specie,	3,128 97
Bills of other Banks,	1,185 00
Deposits in Boston and Troy,	24,573 50
Due from other Banks,	767 65
Real Estate,	2,492 92
Safety Fund,	2,700 00
	<hr/>
	\$114,237 36
LIABILITIES. —Capital Stock,	\$60,000 00
Bills in Circulation,	46,385 00
Deposits and due other Banks,	2,755 77
	<hr/>
June 30, 1843.	\$109,140 77
BANK OF POULTNEY.	
RESOURCES. —Notes discounted,	\$90,524 51
Specie,	4,068 97
Bills of other Banks,	3,709 00
Deposits in Boston and Troy,	37,535 79
Due from other Banks, &c.	7,483 18
Safety Fund,	483 00
	<hr/>
	\$144,424 45

LIABILITIES. —Capital Stock,	\$70,000 00
Bills in circulation,	69,538 00
Deposits,	4,079 57

Sept. 30, 1843. \$143,617 57

BANK OF MANCHESTER.

RESOURCES. —Notes discounted,	\$84,822 30
Specie,	3,787 00
Bills of other Banks,	3,440 00
Deposits in Boston, Troy and New York,	29,313 22
Due on book,	1,570 49
Real Estate,	11,247 57

\$134,180 58

LIABILITIES. —Capital Stock,	\$70,000 00
Bills in circulation,	63,288 00
Unpaid dividends,	261 10

July 25, 1843. \$133,549 10

BANK OF BRATTLEBORO'.

RESOURCES. —Notes discounted,	\$121,641 95
Specie,	7,851 68
Bills of other Banks,	3,088 00
Deposits in Boston, Troy, and other cities,	41,298 14
Real Estate and Bank Stock,	5,641 97
Safety Fund,	3,262 50

\$182,784 24

LIABILITIES. —Capital Stock,	\$75,000 00
Bills in circulation,	84,635 00
Deposits and due other Banks,	10,362 61

\$169,997 61

BANK OF BELLOWS FALLS.

RESOURCES. —Notes discounted,	\$140,162 54
Due on book,	4,097 20
Specie,	5,606 20
Bills of other Banks,	1,248 05
Deposits in Boston,	54,494 10
Real Estate and Bank Stock,	1,450 07

\$207,058 16

LIABILITIES. —Capital Stock,	\$50,000 00
Bills in circulation,	130,681 00
Deposits and dividends due,	17,470 05

Oct. 3, 1843. \$198,151 05

BANK OF WOODSTOCK.

RESOURCES. —Notes discounted,	\$104,088 69
Due on book,	7,115 85

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Specie,	3,228 82
Deposits in Boston and Troy,	10,705 29
Bills of other Banks,	11,226 05
Real Estate,	3,000 00
	<u>\$139,464 70</u>
LIABILITIES. —Capital Stock,	\$50,000 00
Bills in circulation,	80,848 50
Deposits,	4,327 78
	<u>July 10, 1843. \$135,176 28</u>

BANK OF NEWBURY.

RESOURCES. —Notes discounted,	\$107,904 22
Due on book,	15,126 86
Specie,	3,090 86
Bills of other Banks,	5,513 00
Deposits in Boston,	18,803 57
Real Estate,	1,927 94
	<u>\$152,366 45</u>
LIABILITIES. —Capital Stock,	\$50,000 00
Bills in circulation,	87,011 00
Deposits,	21,178 81
	<u>Oct. 4, 1843. \$158,189 81</u>

BANK OF CALEDONIA.

RESOURCES. —Notes discounted,	\$83,957 42
Due on book,	5,227 83
Specie,	3,554 48
Bills of other banks,	3,163 54
Deposits in Boston,	15,506 55
Real Estate,	2,000 00
	<u>\$113,409 82</u>
LIABILITIES. —Capital Stock,	\$50,000 00
Bills in circulation,	56,074 00
Deposits and unpaid dividends,	2,261 90
Outstanding drafts,	1,685 02
	<u>Oct. 1, 1843. \$110,120 92</u>

BANK OF RUTLAND.

RESOURCES. —Notes discounted,	\$160,864 79
Specie,	8,932 47
Bills of other Banks,	8,237 71
Deposits in Boston and Troy,	79,796 47
Due from other Vermont Banks,	486 66
Real Estate,	1,050 00
Safety Fund,	1,354 26
	<u>\$252,722 36</u>

LIABILITIES. —Capital Stock,	\$100,000 00
Bills in circulation,	132,611 00
Deposits and dividends due,	15,290 20
	<hr/>
Oct. 7, 1843.	\$247,901 20

BANK OF ORLEANS.

RESOURCES. —Notes discounted,	\$40,841 00
Deposits in Boston,	6,262 00
Specie,	2,006 50
	<hr/>
	\$49,109 50
LIABILITIES. —Capital Stock,	\$30,000 00
Bills in circulation,	18,644 00
	<hr/>
Aug. 8, 1843.	\$48,644 00

BANK OF MONTPELIER.

RESOURCES. —Notes discounted,	\$142,156 01
Specie,	1,461 64
Bills of other Banks, and deposits in Boston and Troy,	38,545 29
Due from attorneys and depositors,	2,580 14
Real Estate,	2,600 00
	<hr/>
	\$187,343 08
LIABILITIES. —Capital Stock,	\$50,000 00
Bills in circulation,	105,592 00
Deposits,	27,212 93
	<hr/>
	\$182,804 93

The Orange County Bank, incorporated at the last session of the General Assembly, has complied with the requisitions of the statutes, and commenced business in September last.

The charter of the Bank of Orange County expired with the year 1842, and having ascertained in April last that the officers of that Bank continued to issue its bills, I considered it my duty to make application to the Court of Chancery for the appointment of a receiver and an injunction upon the officers of the Bank, agreeably to the 79th chapter of the Revised Statutes. I accordingly made such application to the Court of Chancery for the county of Orange in the month of April last, but I believe no proceedings have been had upon the application.

Oct. 13, 1843.

R. PIERPOINT,

REPORT OF THE BANK COMMITTEE, 1843.

To His Excellency, the Governor :

The undersigned having been appointed a committee to examine and report the situation of the several banks in the State not subject to the provisions of the safety fund act, makes the following report of the condition of the Bank of Burlington, the only Bank of that description.

AUGUST 9, 1843.

LIABILITIES. —Capital Stock,	\$150,000 00
Bills in circulation,	107,227 00
Deposits,	32,211 04
Dividends unpaid,	896 76
	<hr/>
	\$290,334 80
RESOURCES. —Notes discounted,	\$194,498 03
Specie,	10,166 49
Bills of other Banks,	10,080 00
Deposits in Boston, Troy, &c.,	83,893 54
Real Estate exclusive of Bank,	2,000 09
	<hr/>
	\$300,638 06

Oct. 13, 1843.

R. PIERPOINT.

**REPORT OF SELECT COMMITTEE ON THE REPORT OF
GOV. PAINE, AS COMMISSIONER OF THE DEAF AND
DUMB, INSANE POOR AND THE BLIND.**

To the Honorable Senate :

Your select Committee, to whom was referred the report of Governor Paine, as Commissioner of the Deaf and Dumb, the Insane Poor and the Blind, would

REPORT:

That they have had the same under consideration, and concur with His Excellency in the belief that "there are a great number of persons in the state who have been insane so long as to render it improbable that they can be restored, and that these persons are in an extremely degraded and suffering condition, and that it would be a most laudable act of humanity to place them in a more comfortable situation." Your Committee believe that some legislation should be had on this subject, but that they have not been enabled to properly investigate the same and mature a system to propose to the General Assembly for its action at the present session. And with a view that an object so important should receive proper consideration, and a system matured to meet the necessities of this most unfortunate class, we would respectfully report the accompanying resolution. (See Journal, page 86.)

GEORGE C. CAHOON, for Committee.

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